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C A S E S
ARGUED AND DETERMINED
RELATING TO
THE POOR LAWS,
TO
POINTS IN CRIMINAL LAW,
AND OTHER SUBJECTS
CHIEFLY CONNECTED WITH
The Duties and Office of Magistrates:
COMMENCING WITH MICHAELMAS TERM, 7 VICTORIÆ.

REPORTED PRINCIPALLY BY
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REPORTS OF CASES

CONNECTED WITH

THE DUTIES AND OFFICE OF MAGISTRATES:

COMMENCING IN

MICHAELMAS TERM, 7 VICTORIÆ.

1843. } THE QUEEN v. THE INHABIT-
Nov. 10. } ANTS OF BIRMINGHAM.

Order of Removal—Settlement—Parent and Child.

A widow having two legitimate children whose settlement was in the parish of B, married a second husband having a settlement in and residing in the parish of A. Whilst the children were under the age of nurture, they all became chargeable to the parish of A. :—Held, that the children could not be separated from the mother and removed to the parish of B, though the mother consented to such removal, and wished them to be sent to their own parish.

On appeal against the order of two Justices, whereby Harriet Atkins and Elizabeth Ann Atkins, children of James Atkins, deceased, were removed from the parish of Aston to the parish of Birmingham, both in the county of Warwick, the Sessions confirmed the order subject to the opinion of the Court, upon a CASE, which set out the examination of Elizabeth Johns, the mother of the paupers, and from which it appeared, that in August 1834, she, the said E. Johns, intermarried with her late husband James Atkins, at Edgbaston, by whom she had two children born in lawful wedlock, namely, the said Harriet Atkins and the said Elizabeth Ann Atkins, the former being nearly seven years, the latter a little more than five years of age; that her said late husband died in December 1837, and that in 1841 she intermarried with Joseph Johns, her present

husband, who is now out of employ and unable to support her and her children; that they are all inmates of the workhouse, chargeable to the parish of Aston, and that she consents to the removal of her children from her, and wishes them to be sent to their parish.

By the statement of the grounds of appeal, it was objected, first, that the said order of removal is bad on the face thereof, and inoperative, because it removes the said children Harriet Atkins and Elizabeth Ann Atkins, and separates them from their mother Elizabeth Johns, and from her care and custody, such children being respectively within the ages of nurture, as appears by the said order. Secondly, that the order is bad and inoperative, because the children removed thereby cannot be removed with the consent of their said mother from her, or from her care and custody. Also that the said examination is bad, because the said mother, Elizabeth Johns, has no power to consent to the removal of her said children, and their separation from her, and that the order and examination were bad, because the said H. A. and E. A. A. are thereby separated from their said mother, and removed from her care and custody. On the hearing of the appeal, it was admitted, that the legal settlement of the said H. Atkins and E. A. Atkins was, at the time of making the said order, in the parish of Birmingham; but it was objected, for the appellants, that the said children, being within the age of nurture, could not be separated from their mother by an order of removal, even with her consent.

The Quarter Sessions were of opinion, that the said children, although within the age of nurture, might be removed to their own parish and separated from their mother by her consent, and confirmed the order. If the Court should be of opinion that the decision of the Court of Quarter Sessions on this point was incorrect, then the said order of removal to be quashed. If otherwise, the said order to be confirmed.

Daniell and Mellor, in support of the order of Sessions.—There is no imperative rule of law to prevent the separation of nurse children from their mother. Such separation has taken place in cases in which orders have been made for the removal of children under the age of nurture, without reference to the settlement of their parents—*The King v. Bucklebury* (1), *The King v. Benett* (2) *The Queen v. Wendron* (3). This is like a case of voluntary desertion. The parish of Birmingham being compellable to reimburse the parish of Aston, it avoids all circuity. The form of order on the churchwardens and overseers to reimburse a parish in which a child is residing with its mother for nurture, states that such mother "is not willing to part with the child until it attains the age of seven years"—4 *Burn's Justice*, Chitty's edit. 1074. So the statute 22 Geo. 3. c. 83. s. 30, which enables guardians of the poor to put out children under seven years of age, provides, that nothing therein contained shall give power to separate children under seven years of age from the parents "without the consent of such parents."

[COLERIDGE, J.—Suppose the mother were not satisfied that the child was properly taken care of, could she get it back again?]

[LORD DENMAN, C.J.—According to your argument, if the mother revoked her consent it would be a sufficient ground for getting rid of the order.]

Hayes, (with whom was *I. Spooner*), contra.—If this child is removeable, by the same rule a child a week old might be removed. None of the authorities referred to on the other side apply to such a case as the present. In *The Queen v. Wendron* the child

was already separated from the mother, and there was no power to remove the child to the parish in which the mother was then settled and residing at the time of the order. In *The King v. Benett* the mother was an Irishwoman, and the Justices were bound to remove her, though they had no power of removing her illegitimate child from its birth settlement in this country. The rule that nurse children, whether legitimate or illegitimate, cannot be separated from the mother, has always been recognized—*The King v. Hemlington* (5), *The King v. Wankford* (6), *The King v. Saxmundham* (7), *Shermanbury v. Bolney* (8), and *The King v. St. Giles's in the Fields* (9). The rule appears to be adopted for the benefit of the child, and it is one which the child is not of an age to waive; and in this particular case, the mother, who had married again, was not a free agent for the purpose of consenting to the removal.—(He was then stopped.)

LORD DENMAN, C.J.—Cases have arisen, where, in order to give effect to the express words of an act of parliament, it has been necessary to break in upon an established principle: no such necessity, however, exists in the present case. It is an established rule, recognized by all Judges, and doubted by none, that a child within the age of nurture must remain with the mother. Such rule has been laid down for the benefit of the child, and has no reference to the will of the mother. We ought to crush the first attempt to depart from that principle, as it is of the highest importance that the rule should be understood. The order of Sessions must be quashed.

WILLIAMS, J.—I fully agree that the rule is intended for the benefit of the child; and it is of the highest importance that it should not be departed from.

COLERIDGE, J.—I also agree that the order of Sessions must be quashed. The question proposed to us has been raised in the driest possible way, and we must lay down a rule applicable to all cases of children within the age of nurture, and cannot make a distinction between the case of a child six days

(1) 1 Term Rep. 164.

(2) 2 B. & Ad. 712; s. c. 9 Law J. Rep. M.C. 95.

(3) 7 Ad. & El. 819; s. c. 7 Law J. Rep. (N.S.) M.C. 22.

(5) Dougl. 9, n. 2.

(6) Carth. 449.

(7) Fort. 307; s. c. 2 Bott, 16.

(8) Carth. 279.

(9) 2 Bott, 21.

and one of six years old. What could be more shocking than the removal of a child a week old to a distant part of the country, merely because the mother consented to such removal? It is to be observed that, in the present instance also, the mother is a married woman, whose consent to any act relating to the alienation of her property would amount to nothing.

WIGHTMAN, J.—I agree with the rest of the Court that the order of Sessions should be quashed, on the ground that the rule which prohibits the separation of a child under seven years of age from its mother, was intended for the benefit of the child.

Order of Sessions quashed.

1843. } THE QUEEN v. THE INHABIT-
Nov. 11. } ANTS OF SOUTH KILVINGTON.

Settlement—Rate, Payment of—What amounts to.

The pauper was let into occupation of three acres and three roods of land, at the rent of 14l. 14s. a year, the landlord agreeing to pay all that came against it. By reason of this agreement of the landlord, the rent was higher than it otherwise would have been. The pauper's name was in the rate book as occupier, but when the rate was demanded, he referred the overseer to the landlord, who paid it:—Held, that this was not such a payment of rates as to satisfy 3 Will. & M. c. 11. s. 6, or 4 & 5 Will. 4. c. 76. s. 66, and that no settlement was gained thereby.

On an appeal against an order of two Justices, (dated the 10th of January 1843,) removing Thomas Gallantree, his wife, and

children, from the township of South Kilvington to the township of Newsham-with-Breckenborough, both in the North Riding of the county of York, the Sessions quashed the order, subject to the opinion of this Court upon the following—

CASE.

In January 1840, the pauper, who had previously gained a settlement in the township of Newsham-with-Breckenborough, took a cottage, being a separate and distinct dwelling-house in the township of South Kilvington, of a Mr. West, at the annual rent of 5l.; nothing was said about the rates with respect to the cottage, for which in two several rates made for the relief of the poor, on the 12th of November 1840, and the 22nd of February 1841, the pauper was rated at the sum of 2s. 9d., being in each instance a rate of 1s. in the pound on the sum of 2l. 15s., being the amount at which, in each of the said rates, the cottage was assessed, both of which rates the pauper paid. At Candlemas 1841, Mr. West let the pauper a field, containing three acres and three roods of land, in the said township of South Kilvington, upon the terms following: the land was taken from year to year, the rent was fourteen guineas a year, and the landlord was to pay *all that came against it*. The rent at which the pauper agreed to take the field, was a higher rent, because the landlord was to pay the rates and all that came against it.

The pauper actually occupied the field, together with the cottage, from Candlemas 1841 to August 1842, at the rent of 19l. 14s. a year, and during this period he paid the landlord the whole rent, and was rated and charged in respect of the field and cottage as follows:—

Date of Rate.	Name of Occupant.	Name of Owner.	Description of Property.	No. of Acres.	Amount at which the Property is to be Assessed.	Amount of Rate to be collected.	Amount in the pound.
				A. R.	£. s. d.	s. d.	d.
June 18, 1841	Gallantree, T.	West, W., Esq.	House and land.	3 3	10 12 9	7 11½	9
Jan. 3, 1842	Gallantree, T.	West, W., Esq.	House and land.	3 3	10 12 9	8 0½	9½
June 23, 1842	Gallantree, T.	West, W., Esq.	House and land.	3 3	10 12 9	5 4	6

The overseers of the poor of the township of South Kilvington called upon the pauper and demanded 7s. 11½d., the first of these rates: the pauper paid 2s., being 9d. in the pound, on 2l. 15s., the amount for which he was assessed for the cottage, before he took the land, and referred the overseer to the landlord, Mr. West, for the rest, who thereupon, in pursuance of his agreement, paid the remaining 5s. 11½d., being also 9d. in the pound, on 7l. 17s. 9d., the residue of 10l. 12s. 9d., at which the house and land were assessed, and of the remaining rates of 8s. 0½d. and 5s. 4d. the tenant respectively paid 2s. and 1s. 4½d., being in one instance a rate of 9½d., and in the other instance a rate of 6d. in the pound, on 2l. 15s., the amount above described as that at which the cottager was assessed before he took the land, and the landlord, in pursuance of his agreement, paid the remainder, the overseers always after the above-mentioned reference by the pauper to Mr. West, applying to him for the rates due in respect of that land. The pauper resided in the township during the whole period of his occupation of the land. By their statement of the grounds of appeal, the appellants relied not only on a renting of a tenement by the pauper within the respondent township, sufficient to give him a settlement there; but also that he had gained a settlement therein, by having in the years 1841 and 1842 been charged with and having paid his share towards the public taxes or levies of the said township of South Kilvington; and the only question disputed between the parties was, whether upon the above facts it could be said that the pauper had paid the poor-rate for a year, during his occupation of the land, so as to satisfy the 66th section of 4 & 5 Will. 4. c. 76, or whether he had been charged with and paid his share towards the poor-rate, under the 3 & 4 Will. & M. c. 11. s. 6. The Court of Quarter Sessions held, that the payment of the poor-rate by the landlord, in consequence of the agreement between him and the pauper, was a payment of the latter, sufficient to satisfy either of the statutes, and quashed the order by removal. The question for the opinion of this Court was, whether such payment was sufficient under either of those statutes: if the Court should be of opinion that it was, then the order of Ses-

sions to be confirmed; but if it should be of opinion that it was not, then the order of Sessions to be quashed (1).

Bliss and Wharton, in support of the order of Sessions. — The payment was substantially a payment by the tenant—*The King v. Bridgewater* (2). *The King v. Weobley* (3) is clearly distinguishable, as the rate which was paid by the collector, was not deducted from the salary of the pauper. The payment may be considered as made by the hand of the landlord—*The King v. Hope Mansell* (4), *The King v. Okehampton* (5), *The King v. Bramley* (6), and *The King v. Axmouth* (7). Such a payment would be considered as having been made with sufficient authority, even under the Municipal Corporation Act—*The King v. the Mayor of Bridgnorth* (8). The pauper, being the actual occupier, also complied with the provision of 4 & 5 Will. 4. c. 76. s. 66, by paying the rates—*The King v. St. Nicholas, Rochester* (9), and *The King v. St. Nicholas, Colchester* (10).

Watson and Archbold, contra.—This was neither a good payment of rates within 3 Will. & M. c. 11. s. 6, nor under 4 & 5 Will. 4. c. 76. An act of parliament must be con-

(1) 3 Will. & M. c. 11. s. 6—"If any person who shall come to inhabit in any town or parish shall for himself and on his own account, execute any public annual office or charge in the said town or parish during one whole year, or shall be charged with and pay his share towards the public taxes and levies of the said town or parish, then he shall be adjudged and deemed to have a legal settlement in the same," without the notice required by the act.

By 35 Geo. 3. c. 101. s. 4, no person who shall come into any parish, &c., shall gain a settlement in such parish, &c., by being charged with and paying their share towards the public taxes and levies of such parish, &c., for and on account, or in respect of any tenement not being of the yearly value of 10l.; and see 6 Geo. 4. c. 57. s. 2.

4 & 5 Will. 4. c. 76. s. 66—"No settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same shall have been assessed to the poor-rate, and shall have paid the same in respect of such tenement for one year."

(2) 3 Term Rep. 550.

(3) 2 East, 68.

(4) Cald. S.C. 252.

(5) Burr. S.C. 5.

(6) Ibid. 75.

(7) 8 East, 383.

(8) 10 Ad. & El. 66; s. c. 8 Law J. Rep. (n.s.) M.C. 86.

(9) 5 B. & Ad. 226; s. c. 3 Law J. Rep. (n.s.) M.C. 45.

(10) 2 Ad. & El. 599; s. c. 4 Law J. Rep. (n.s.) M.C. 46.

strued according to its express words: by both of the acts it is necessary that the party should be charged with "and pay" the rates in order to gain a settlement. Here, the landlord did not pay the rates as the agent of the pauper, from time to time, but paid the rates as they were made, in respect of the land, by virtue of a contract antecedent to any assessment. The case of *The King v. Weobley* cannot be distinguished from the present.

[LORD DENMAN, C.J.—The arrangement as to the payment is only a question between the landlord and the pauper: if the landlord did not pay, the pauper, the tenant, would have been liable.]

Similar questions have arisen with respect to payment of rent, under 1 Will. 4. c. 18. s. 1, in which it has been held, that payment out of a fund over which the party had no controul at the time, was no payment by him—*The King v. Pakefield* (11), *The Queen v. Melsonby* (12). In *The King v. Bridgewater*, the payment was made by money borrowed for the purpose, which is the same thing as payment by a party's own money.

LORD DENMAN, C.J.—I think it is clear that no settlement was gained in this case. The case of *The King v. Weobley* is decisive.

Order of Sessions quashed.

1843. } *Ex parte* THE INHABITANTS OF
Nov. 23. } PONTEFRACT.

Order of Removal—Quashing for Defect in Examinations—Special Entry of "Not on the Merits."

After an appeal against an order of removal had been entered and respited, the respondents served the appellants with a notice that they, the respondents, had abandoned the order, on the ground that the examinations were defective, and that they intended to apply at the ensuing sessions to quash the order upon a special entry, "Quashed not upon the merits;" and also, that they were ready to pay the appellants

all reasonable costs already incurred by them, and all costs of maintenance; and that all future costs, incurred in proceeding to try the appeal, would be at their own peril.

At the ensuing sessions the appellants applied to have the appeal heard, and the order quashed generally; but the Sessions quashed the order, with a special entry in the above form, allowing the appellants their costs up to the time of the notice of abandonment, and the costs of coming to the sessions:—Held, that the Sessions had done right, and that there was no ground for a mandamus to them to hear the appeal.

On the 22nd of April 1843, an order was made under the hands and seals of two of the Justices of the West Riding, for the removal of Ann Auckland, widow of James Auckland, and her two children, from Thorne to Pontefract. The examinations, on which the order was made, were sent, together with the order, to the churchwardens and overseers of Pontefract, and the paupers were afterwards actually removed. At the General Quarter Sessions at Rotherham, held on the 3rd of July 1843, the churchwardens and overseers of Pontefract entered and respited an appeal against the said order.

On the 3rd of August the overseers of Thorne served the overseers of Pontefract with the following notice:—

"To the churchwardens and overseers of the poor of the parish, township, or place of Pontefract, in the West Riding of Yorkshire.

"In the matter of an appeal, wherein the churchwardens and overseers of the poor of the parish, township, or place of Pontefract, in the said riding, are appellants, and the churchwardens and overseers of the poor of the parish of Thorne, in the said riding, are respondents. Whereas, under and by virtue of an order, &c., Ann Auckland, widow, &c., were removed from the parish of Thorne aforesaid, to the parish, township, or place of Pontefract aforesaid, as the place of their last legal settlement. And whereas, since the said removal and the entry of the said appeal against the said order of removal, we have discovered and are satisfied that the examinations, on which the said order of removal was granted, are defective and insufficient to support the said order of removal on the trial of the said appeal. Now, we, the undersigned, being the churchwar-

(11) 4 Ad. & El. 612; s. c. 5 Law J. Rep. (N.S.) M.C. 63.

(12) 12 Ibid. 687; s. c. 10 Law J. Rep. (N.S.) M.C. 2.

dens and overseers of the poor of the said parish of Thorne, do hereby give you, and each and every of you, notice that we have abandoned, and do hereby abandon, the said order of removal; and that at the next General Quarter Sessions of the Peace to be holden, by adjournment, at Doncaster, in and for the said West Riding, we shall apply to the said Court of Quarter Sessions to quash the said order of removal, upon a special entry, 'Quashed not upon the merits.' And we further give you notice, that we are now ready and willing to pay to you, the said churchwardens and overseers of the poor of the said parish, township, or place of Pontefract, all reasonable costs already incurred by you in the matter of the said appeal, together with all costs incurred by you for the maintenance and support of the said paupers, since the execution of the said order of removal; and lastly, we further give you notice, that all future costs to be incurred by you, in prosecuting and trying the said appeal, will be so incurred at your own peril.

"Dated, &c.

"J. W.	} Churchwardens.
"W. C.	
"T. O.	} Overseers of the Poor."
"J. C.	

On the 29th of September, the churchwardens, &c. of Pontefract caused the churchwardens, &c. of Thorne to be served with a notice of trial of the appeal, at the ensuing Quarter Sessions; and at the same time duly served a statement of the grounds of appeal. At the ensuing Sessions the counsel for the appellants claimed a right to have the appeal heard, or if the Court should quash the order without hearing the appeal, and made a special entry, the purport of such special entry should be according to the truth of the case, that the examination was defective, in not sufficiently disclosing a settlement in Pontefract; and they further contended, that a decision, quashing the order under such circumstances, would be a decision on the very merits of the case, and that it would be highly improper, when the facts, as above stated, were all conceded and agreed on, to make an entry, that the order was quashed, not on the merits. After hearing both sides, the chairman stated it to be the opinion of the majority of the Court, that a decision quashing the order, under the

facts stated, was a decision on the merits, and that no such special entry ought to be made; but that finding, from the clerk of the peace, that the practice of making such special entry, and so discharging orders on payment of costs by the respondents to the appellants, with the intention of enabling the respondents again to remove, if they could obtain a better examination, had latterly prevailed in cases in which a similar notice of abandonment had been served, therefore, though the Court thought the practice wrong, they decided to abide by the same, until the opinion of the Court of Queen's Bench could be obtained for their guidance on the subject. The order of the Sessions, therefore, was, that the order of removal should be discharged, "not on the merits," and that the costs of the appellants, to the time of the service of the notice of abandonment, and the costs of coming to the Sessions, to be taxed, &c., should be paid to them by the respondents; and the said order was so entered and recorded.

On an affidavit stating those facts,

Pashley moved for a rule *nisi* for a mandamus to the Justices of the West Riding, commanding them to enter continuances and hear the appeal: he cited *The Queen v. the Justices of Middlesex* (1).

[COLERIDGE, J.—According to your statement, the Sessions may have come to a wrong decision, but they reserve no case for our opinion. Why should the Sessions hear your witnesses after the order was quashed?]

The appellants ought not to be prejudiced by the respondents not calling evidence—*The King v. the Justices of the West Riding* (2). In *The Queen v. Townstall* (3) and *The Queen v. Stayley* (4), the Court decided that appellants had a right to go to the Sessions for their costs (5).

LORD DENMAN, C.J.—It appears to me, that the Sessions in this case were perfectly

(1) 11 Ad. & El. 809; s. c. 9 Law J. Rep. (n.s.) M.C. 59.

(2) 5 B. & Ad. 667; s. c. 3 Law J. Rep. (n.s.) M.C. 21.

(3) 12 Law J. Rep. (n.s.) M.C. 72.

(4) *Ibid.*

(5) See *The Queen v. the Justices of Anglessea*, 12 Law J. Rep. (n.s.) M.C. 131; *The Queen v. the Justices of the West Riding of Yorkshire—Sheffield v. Crich*, 12 Law J. Rep. (n.s.) M.C. 148; and *The Queen v. Charlbury and Walcott*, *post*.

right. The question was not, whether the order of Magistrates was good or not; but when the respondents said to the appellants, "now that we are aware that our examinations are defective, we are ready to pay you your reasonable costs," it was the appellants' duty to find out what a fair amount of costs would be; and if the amount the respondents were ready to pay was a reasonable amount, they should have consented to the abandonment. The Sessions may well have considered that it was against good faith to attempt to try the appeal after a fair proposition of this kind. Here the Sessions have decided in your favour, but add, that it is not on the merits. They may properly make such an entry. No doubt, the appellant parish have a right to enforce the quashing of an improper order, but if they proceed after such a notice as this, they must take the chance of the result.

WILLIAMS, J.—The appellants have insisted on being heard, and have what amounts to a decision in their favour, on the question in dispute.

COLERIDGE, J. concurred.

Rule refused.

[See the judgment of Patteson, J. in *The Queen v. the Justices of the West Riding* (6); see also *The Queen v. the Justices of Lancashire* (7), and *The Queen v. the Inhabitants of Evenwood and Barony* (8).]

1843. } THE QUEEN v. THE RECORDER
Nov. 23. } OF EXETER.

Bastard—Order of Filiation—Costs of resisting application for—By whom payable—Hearing, What amounts to.

The churchwardens and overseers of the parish of O, in the city of Exeter, applied at the Sessions for an order of filiation upon N. T., as the putative father of a bastard child chargeable to the parish of O. The application was resisted in limine, on the ground, that by a local act of parliament, certain persons were incorporated for the management of the poor of the city of E, and

that the application should have been made by them, and not by the churchwardens and overseers. The Court of Quarter Sessions, being of that opinion, made no order of filiation, but refused to order that N. T.'s costs should be paid by the churchwardens and overseers of O:—Held, that these churchwardens and overseers were the parties liable to pay the costs, and that the Court would grant a mandamus to compel the Court of Quarter Sessions to make the order for costs.

Held, also, that the application and its dismissal, as above stated, was a sufficient hearing of the application within the 5 & 6 Will. 4. c. 76. s. 73.

Rule, calling on the recorder of the city and county of the city of Exeter, to shew cause why a writ of mandamus should not issue, directed to him, commanding him to cause continuances to the next General Quarter Sessions of the Peace, to be held in and for the said city and county, to be entered, upon the application of the churchwardens and overseers of the poor of the parish of St. Olave, in the said city and county, at the last General Quarter Sessions of the Peace for the same, for an order upon Nicholas Tuckett, for the support and maintenance of a bastard child, born of the body of A. D, single woman, and at such next General Quarter Sessions to make an order for the costs and charges of the said Nicholas Tuckett, incurred in resisting the said application to be paid by the churchwardens and overseers of the poor of the said parish of St. Olave.

From the affidavits on which this rule was granted, it appeared that Nicholas Tuckett, on the 4th of October 1843, was served with a notice signed by the churchwardens and overseers of the parish of St. Olave, in the city of Exeter, of their intention to apply to the Justices in petty session, at the Guildhall of that city, on the 11th of October, for an order of filiation upon him, under 2 & 3 Vict. c. 85, as the putative father of a bastard child, born on the body of the said A. D, and chargeable to the said parish of St. Olave. Tuckett attended at the petty sessions according to the notice, and the churchwardens and overseers of St. Olave likewise appeared by their attorney; and Tuckett, under the provi-

(6) 2 Q.B. Rep. 705; s. c. 11 Law J. Rep. (N.S.) M.C. 57.

(7) 12 Law J. Rep. (N.S.) M.C. 76.

(8) Ibid. 101.

sions of the 3rd section of the above act, entered into a recognizance with two sureties, to appear at the next General Quarter Sessions of the Peace, to be holden in and for the city and county of the city of Exeter, to answer the charge and abide the judgment of the Court, and to pay the costs incurred by the churchwardens and overseers in bringing the said charge before the Court, in case, &c.

The parties appeared at the Sessions for the city and county of Exeter, and on the case being opened on the part of the churchwardens and overseers, a preliminary objection was taken on behalf of Tuckett, that the churchwardens and overseers were not the proper parties to make the application, as the parish of St. Olave was a parish having guardians within the meaning of 4 & 5 Will. 4. c. 76. s. 109, as to which it appeared, that by a local act, 8 & 9 Will. 3, certain persons were incorporated for the management of the poor of the city of Exeter, under the name of the "Governor, Deputy Governor, Assistants, and Guardians of the Poor of the City and County of Exeter." And *The Queen v. James* (1) and *The Queen v. the Justices of Wiltshire* (2), were referred to. The recorder was of opinion, that the notice, not having been given by the corporation of the Governor, &c. of the Poor, was not sufficient, and refused the application.

Costs were then applied for on behalf of Tuckett, under 4 & 5 Will. 4. c. 76. s. 73, which section, it was insisted, was imperative, but the recorder refused to make any order for costs, and an order of Session was formally drawn up, which, after reciting, that it had been certified to the Court, that at a petty session, &c., (setting out the application, the appearance of the defendant at such petty session, and the recognizances, &c.) and that the said Court of Quarter sessions had proceeded to hear the said application of the said churchwardens and overseers, the said order concluded as follows:—"Now this Court, upon the hearing of such application, having heard all the parties concerned and their counsel, and being of opinion that the said churchwardens and overseers

of the parish of St. Olave aforesaid are not the proper parties to make the application, doth not think fit to make any order thereon; and this Court doth refuse to order and direct that the costs and charges incurred by the said N. Tuckett, in resisting the said application, shall be paid by the churchwardens and overseers."

Merivale, on moving for the rule, cited the following cases—*The Queen v. James*, *The Queen v. the Justices of Wiltshire*, *The Queen v. Stamper* (3), *The King v. Cawston* (4), *St. Mary, Nottingham v. Kirklington* (5).

Greenwood shewed cause.—If the churchwardens and overseers were not the proper parties to make the application, which, for the purpose of this rule, it must be taken they were not, neither are they the proper parties to pay costs, and the recorder was, therefore, right in refusing to make the order. The words of 5 & 6 Will. 4. c. 76. s. 73. are, if upon the hearing of such application, the Court shall not think fit to make any order thereon, it shall order and direct that costs of the party intended to be charged, shall be paid by "such overseers or guardians." Those words can only refer to those overseers or guardians, who, by the act, are directed to make the application under the act in question, modified as it has been by the 2 & 3 Vict. c. 85. It is clear, that the words would not apply, if the application had been made by a party who was neither churchwarden, guardian, nor overseer, for instance, the woman herself, or the master of the workhouse; and incapacity admits of no degrees.

[WILLIAMS, J.—According to your argument, the more unfounded the application, the less the liability to costs.]

[COLERIDGE, J.—Will not the word "such" be satisfied by construing it, such as made the application?]

The parties who are to apply, are defined by the statute. Then secondly, there has been no hearing; hearing means going into the merits. *The Queen v. Stamper* is distinguishable; there, the right party was before the Court; here, the recorder refused to hear the application, as it was made by a

(1) 10 Ad. & El. 423; s. c. 8 Law J. Rep. (N.S.) M.C. 61.

(2) 12 Ibid. 793; s. c. 10 Law J. Rep. (N.S.) M.C. 17.

(3) 1 Q.B. Rep. 119; s. c. 10 Law J. Rep. (N.S.) M.C. 73.

(4) 4 Dowl. & Ry. 445.

(5) 2 Bott, 776.

wrong party. Suppose a mandamus issued to the Judge. It could not be said, that what took place was a hearing—*The King v. the Justices of Gloucestershire* (6). In *The King v. Cawston* the appeal was actually allowed.

LORD DENMAN, C.J.—It appears to me, that the words of the act fully warrant a decision that in every view meets the justice of the case. Parties improperly bring a man before the Justices, upon an application which fails. It would be too much to say that they are not the parties liable to pay the costs incurred in meeting the application.

WILLIAMS, J.—I am of the same opinion, on the express words of the statute. On one side, is an overseer making the application, and on the other, the party resisting it: there is then a hearing, and the Court make no order: the party resisting is entitled to his costs against the party making the application.

COLERIDGE, J.—I am quite of the same opinion. I think there was a hearing in this case, and with reference to that point, I should decline adopting the test proposed, namely, would a mandamus lie to compel a hearing? The words of the 73rd section are, "if upon hearing, the Court shall not think fit to make any order thereon, it shall make an order for the costs."

WIGHTMAN, J.—I am of the same opinion. As soon as the parties come before the Sessions, there is, in effect, a hearing.

Rule absolute.

1843. { THE QUEEN v. THE INHAB-
Nov. 8. { ITANTS OF THE TOWNSHIP OF
ADDERBURY EAST.

Bridge, Repair of—Evidence—Indictment, Insufficiency of.

Upon an indictment against the inhabitants of a township, charging them with the repair of a bridge, by a prescriptive liability, the declaration of an inhabitant of the township is admissible in evidence against the township, on the ground that he is a party to the record, although he be not a rated inhabitant.

The indictment stated, that from time whereof, &c., there hath been and still is, a certain common and public bridge, &c. (describing it), and that one part of the said bridge lies in the township of A, and was out of repair, and that the inhabitants of the township of A, from time whereof, &c., have repaired, and have been used and accustomed to repair, &c. the said part of the bridge in the township of A. It appeared in evidence that the part of the bridge in the township of A. consisted of part of the centre arch of the bridge, and of three other arches, and that about the year 1806, the township of A. had widened the part of the centre arch which was in A. about six feet, making it about fifteen feet in width, instead of nine. The other arches in A. remained unaltered:—Held, that the indictment, charging a prescriptive liability to repair the bridge, was sufficient, as at all events the township still remained liable for the ancient part.

Semble, per Lord Denman, C.J. and Patteson, J., that the widening of the bridge was only in the nature of a repair, and did not so far alter the character of the bridge as to enable the township to throw the repair of the new part upon the county.

The indictment stated, that on the 22nd of December 1841, there was, and from time whereof the memory of man is not to the contrary, there hath been, and continually hitherto there hath been, and still is, a certain common and public bridge over the river Cherwell, commonly called "Nell Bridge," lying and being in a certain common highway, &c., for all the liege subjects, &c., on foot, and with their coaches, horses, carts, and carriages, upon and over the said bridge, to go, return, pass and repass, ride, and labour at their free will and pleasure; and that one part of the said bridge lies and is situate in the township of Adderbury East, in the county of Oxford, and the other part of the said bridge lies and is situate in the parish of Aynho, in the county of Northampton, and that the said part of the said bridge which lies and is situate in the township of Adderbury East, in the parish of Adderbury aforesaid, in the county of Oxford aforesaid, on the 22nd of December 1841, and continually from thence, until &c., was and yet is broken, ruinous, dangerous, and

(6) 1 B. & Ad. 1; s.c. 8 Law J. Rep. M.C. 108.
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in great decay, for want of needful and necessary upholding, maintaining, amending, and repairing the same, so that the liege subjects cannot pass, &c. as they ought. It then charged, "That the inhabitants of the township of Adderbury East aforesaid, from time whereof, &c., have repaired and amended, and have been used and accustomed to repair and amend, and of right ought to have repaired and amended, and still of right ought to repair and amend the said part of the said bridge which lies and is situate in the said township of Adderbury East, in the parish of Adderbury aforesaid, in the county of Oxford aforesaid, when and so often as it hath been or shall be necessary." It then charged the non-repair, &c. The second count called the bridge a horse-bridge, and the third count a foot-bridge, and charged the inhabitants of the township of Adderbury East with the same prescriptive liability.

Plea—Not guilty.

At the trial, before Parke, B., at the Summer Assizes for the county of Warwick, 1842, it appeared, that the bridge, called Nell Bridge, crossed the river Cherwell; that a part of the centre arch of the bridge was situate in the county of Northampton, and that the other part of the centre arch and all the rest of the bridge, including three other arches, was situate in the township of Adderbury East, in the county of Oxford; that the Oxfordshire part of the bridge, on the day laid in the indictment, was out of repair; and that the township of Adderbury East had its own officers, distinct from any other hamlet or township, or from the parish of Adderbury. It further appeared, that about the year 1805 or 1806, the main or centre arch of the bridge, both in Oxfordshire and Northamptonshire, had been widened from nine to sixteen feet, while the remainder of the arches, on the Oxfordshire side, remained unwidened, and as they were before. In 1840 and 1841, and up to the time of the trial of the indictment, William Gardiner was one of the churchwardens, and James Gardiner, the surveyor of the highways of the township of Adderbury East. They both lived in a house in the township, but there was no evidence to shew they were rated to any rates of the township. A witness proved, that in 1841 he had called upon and seen the Gardiners upon the subject of

the repair of the Oxfordshire part of the bridge, by Adderbury East, who stated, that the township of Adderbury had always repaired the bridge, and that they were willing to give any information upon the subject. They also produced certain books, which they said were the parish books, and which were in their custody, containing disbursements for repairs done to the bridge in several years by the township, commencing in 1771. In the year 1806, when the bridge was widened, the expense incurred by the township was 69*l*.

It was objected, on the part of the defendants, that the declarations made by the Gardiners were not receivable in evidence, as they were not shewn to have been rated inhabitants, and might therefore have been called as witnesses; and that even if they were rated, they were competent witnesses for the Crown, since the statute 3 & 4 Vict. c. 26. Secondly, it was objected that the indictment, which charged a prescriptive liability in the inhabitants of the township to repair a certain common and public bridge, which had existed from time immemorial, was not supported by the evidence, which shewed that a considerable portion of the bridge, mentioned in the indictment, namely, to the extent in part of six feet in width, had been made so recently as the year 1805 or 1806.

The learned Judge admitted the evidence, and declined to stop the case upon the objection to the indictment, but gave the defendants leave to move to enter a verdict upon this point. The defendants were found guilty.

A rule having been obtained by *Hayes*, to enter a verdict for the defendants, and also for a new trial, on the ground, that the declarations should not have been received,—

The Solicitor General (Sir W. W. Follett), Adams, Serj., and Humfrey, shewed cause.—First, the declarations made by the Gardiners were properly received. The indictment was substantially against *all* the inhabitants of the township. They were all charged with this prescriptive liability. All the inhabitants, therefore, were parties to this record, and had such an interest that none of them could be compelled to give evidence against the township. The Gardiners were officers of the township, and inhabitants, and, being parties to the record

as defendants, their declarations were on that ground admissible against the township. The Gardiners were not less defendants, because they were not shewn to be rated. If the township was properly charged in this indictment, (as the jury have found it was,) all the inhabitants, and not those only who were rated, were the defendants. It may be, that in appeals, the rated inhabitants are the substantial parties—*The King v. the Inhabitants of Woburn* (1); but that case also decides, that the real parties whoever they may be, cannot be compelled to give evidence against themselves; and, therefore, their declarations are admissible—*The King v. the Inhabitants of Harderick* (2). The case of *The Mayor of London v. Long* (3) was relied upon by the defendants; but that was the case of a declaration by an individual member of a corporation, which was held not admissible to affect the corporation aggregate. They also cited on this point *Worrall v. Jones* (4), and *Marsden v. Stansfield* (5). Secondly, the defendants are not entitled to have a verdict entered for them, on account of any misdescription of the bridge in the indictment. It is said, that the indictment charges the township with the repair of this bridge by immemorial liability, and that the indictment is not supported by the evidence, because as to one arch of the bridge, it has been proved to have been widened in modern times. The indictment treats it as an ancient bridge; and unquestionably the greater part of it is so. As to three of the arches, there has been no alteration at all, and the evidence proved that the whole was out of repair. The township, therefore, would at all events be liable to repair the old part, and as to that, at least, the indictment is supported. But as the evidence shewed that the township had widened the bridge, it may be very questionable if they are not bound to maintain the new part, as the inhabitants of a county are not bound to widen a public bridge—*The King v. the Inhabitants of Devon* (6), and probably not to repair one widened by others unless necessarily widen-

ed for public utility—*The King v. the Inhabitants of the West Riding of Yorkshire* (7). If the township is not liable to repair the new part, as well as the old, this indictment would not at a future time be conclusive against it, as to the whole, as it would be competent for the inhabitants to shew what part they had repaired. They also cited *The King v. the Inhabitants of the County of Devon* (8).

Kelly and Hayes, contra. — It is for those who seek to make use of these declarations to shew, that the parties making them are parties to the record. It is said, that they lived in a house in the parish, but that was not enough to shew them householders. They might have been lodgers only, or servants. It should have been distinctly shewn, that when they made the declarations they were householders.

[PATTESON, J.—The evidence is, that when the declarations were made, one was churchwarden and the other surveyor.]

But if from their situation as parties to the record, they would, in general cases, have been incompetent, that was not so here, as by the statute 3 & 4 Vict. c. 26, they were not only made competent witnesses, but their ability to refuse was also removed. Section 2. provides, that no churchwarden, overseer, or other officer for any parish, township, or union, or any person rated or assessed, or liable to be rated or assessed, shall be disabled or prevented from giving evidence on any trial, appeal, or other proceeding, by reason only of his being a party to such trial, appeal, or other proceeding, or of his being liable to costs in respect thereof, when he shall be only a nominal party to such trial, appeal, or other proceeding, and shall only be liable to contribute to such costs, in common with other the rate-payers of such parish, township, or union. If, therefore, they were made competent by this act, the ground upon which their declarations might have been previously admissible is gone. Secondly, the indictment was not supported, and the defendants were entitled to an acquittal. The indictment charges the township with the repair of the whole bridge, by prescription; but they cannot be liable by

(1) 10 East, 395.

(2) 11 Ibid. 578.

(3) 1 Campb. 24.

(4) 7 Bing. 395; s. c. 9 Law J. Rep. C.P. 70.

(5) 7 B. & C. 815; s. c. 5 Law J. Rep. K.B. 59.

(6) 4 B. & C. 670; s. c. 4 Law J. Rep. K.B. 34.

(7) 2 East, 342.

(8) 5 B. & Ad. 383; s. c. 2 Law J. Rep. (N.S.) M.C. 74.

prescription for the widened part, even though they made it. The whole is but one bridge; and no measurement is given in restriction of the liability of the defendants.

[PATTESON, J.—This was widened by the township itself. It is not so clear, that it is not liable for the new part.]

The county would be liable for the new part—*The King v. the West Riding of Yorkshire, The King the Inhabitants of Middlesex* (9).

[PATTESON, J.—In the former of those two cases, the character of the bridge had been altered.]

The allegations in the indictment must be taken to refer to the whole of the structure in Oxfordshire, and a verdict against the defendants would conclude them as to all.

LORD DENMAN, C.J.—It does not appear that the act of Victoria that has been referred to, deprives the Crown in this case from using the declarations of the two inhabitants. That act removes any disability that existed to a party being a witness, on the grounds, either that he was rated, or a nominal party to the trial or other proceeding. He is not on that ground to be incompetent; but as a party, he still cannot be compelled to give evidence against himself; and, therefore, his admissions or declarations are receivable. Upon the second point, the question is, whether there is any misdescription of the bridge in the indictment. I think there is none; and we do all we can in favour of the township, if it is admitted that on a future occasion they may be allowed to excuse themselves, if they can do so, from any liability in respect of the more modern part of the bridge; but as has been observed in the course of the argument, as the widening of the bridge was their act, it may be very questionable whether they may not be bound to repair that part also. The indictment alleges, that there was and is a common public bridge, and that from time immemorial the inhabitants of the township have repaired it. If, notwithstanding the widening the whole bridge must still be considered the ancient bridge, the indictment is supported; but if the township can excuse themselves

as to the new part, there is still the ancient bridge, and the township could shew the extent to which they were liable. I am of opinion, therefore, that there is no misdescription, and that the rule must be discharged.

PATTESON, J.—I am of the same opinion. The first point, when considered, does not depend upon whether the parties, whose declarations were received, were rated inhabitants of the township or not, but whether they were parties to the record. I do not understand why they should the less be so, though they are not rated. To what are they to be rated? It cannot be in the power of a parish or township to relieve individuals from a burthen of this nature, by not putting their names upon a rate. Upon an indictment of this kind against a parish, every inhabitant of the parish is liable: each and every inhabitant is a defendant upon the record, and although it may be that by some statutes an inhabitant may be called on behalf of the others against the Crown, it by no means necessarily follows, that the Crown could by subpoena compel him to give evidence against himself. If that is so, his declaration may be given in evidence against him, as the admission of a party to the record. Upon the other point, I am inclined to think, (though it is not necessary to decide the point,) that the township, under these circumstances, would be liable for the added, as well as the old part of the bridge. The *Middlesex* case was very different. There the character of the bridge was altered. Here, I much doubt whether the widening is anything more than a repair. But supposing the township not to be liable for the whole, then the question arises, whether the indictment is supported.—[His Lordship read the allegations.]—It is said, the defendants are not liable for the added part, as it is no part of the ancient common bridge, to which only the prescription attaches. If that is so, then the statement in the indictment does not include that part, but only the ancient bridge.

WILLIAMS, J.—I am of the same opinion. The admissibility of the declarations depends upon the fact, of whether the persons making them were parties to the record, which again depends upon whether they were inhabitants or not. They were proved to be inhabitants, and as such, were parties, inasmuch as any

(9) 3 B. & Ad. 210; s. c. 1 Law J. Rep. (N.S.) M.C. 16.

fine imposed might be exacted from all or any of the inhabitants. Upon the other point, I think it is no objection to this indictment, that possibly the evidence not only shewed such a bridge as is set out and described in the indictment, but something more.

COLERIDGE, J.—I think we should give a wider extent to the act of Victoria than was intended, if we were to put upon it the interpretation contended for. The 1st section prevents the incompetency of persons, as witnesses, from the fact of their being rated inhabitants, or liable to be rated. The 2nd section enables actual parties to be witnesses. But neither section provides, that persons who are parties to the record shall be compelled to give evidence against themselves. Secondly, are the allegations in the indictment proved? The material allegations state this to be an ancient common bridge. The evidence shewed it was such a bridge, to which something had been done. Then, either all is still the ancient bridge, and the liability of the township is extended to the whole, or the new part must be severed, and then there is the ancient bridge, and something more. In whichever way, therefore, it is received, are not the allegations in the indictment proved?

Rule discharged.

1843. } THE QUEEN v. THOMAS BAMBER
Nov. 15. } THE YOUNGER.

Highway, Non-repair of—Destruction of Way by encroachment of the Sea.

Where, on an indictment for the non-repair of a highway, ratione tenuræ, the jury found specially that the original way adjoined the sea, which had encroached upon and carried away a portion of the land over which the highway went, and part of the lands in respect of the tenure of which the liability to repair the way attached, and that the defendant had from time to time appropriated other portions of his lands in lieu of such parts as had been washed away; and that, shortly before the period mentioned in the indictment, the sea had made another encroachment, and swept away a large portion of the road altogether, and had left the rest so narrow on the brow of a cliff as to be impassable:—Held, that

this finding did not warrant a judgment for the Crown.

Error from the Lancashire Quarter Sessions.

The indictment stated, that, from time whereof, &c. there was and yet is a certain common and public highway, leading from the hamlet and village of Blackpool, in the county of Lancaster, towards and unto the hamlet and village of Bispham with Warbreck, in the said county, used for and by all the liege subjects, &c. with their horses, carts, and carriages, at their free will, &c. And that a certain part of the said common public highway, lying and being in the township of Layton with Warbreck, in the said county, commencing at a certain gate in the road, then abutting on the boundary between the township of B. with N. aforesaid, and the township of L. with W. for the space of 131 yards, and of the length of 131 yards, and of the breadth of 6 yards, on the 1st of June, A.D. 1842, and from thence, &c., was and yet is very ruinous, broken, and in great decay for want of due restoration, reparation, and amendment of the same, so that the liege subjects, &c. could not go, return, &c. And that Thomas Bamber the younger, of the township of L. with W. aforesaid, husbandman, by reason of his tenure of certain lands and tenements situate in the township of L. with W. aforesaid, in the county aforesaid, called the Gyn, ought to repair and amend that part of the highway aforesaid, so as aforesaid being ruinous, broken, and in decay, when and so often as there should and might be occasion, and that the said defendant had not done the same.

Plea—Not guilty.

The indictment was tried at the Quarter Sessions for Lancashire held at Preston in that county, and the finding of the jury was afterwards turned into the following special verdict:—

The jurors, upon their oath, say, that from time whereof the memory of man is not to the contrary, there have been and still are, (except and subject as hereinafter mentioned,) certain ancient lands and tenements situate in the township of Layton with Warbreck aforesaid, in the county aforesaid, called the Gyn, being the said lands and tenements in the said indictment mentioned, and by reason of the said Thomas Bamber the

younger's tenure whereof it is by the said indictment supposed that the said Thomas Bamber the younger ought to restore, repair, and amend the said part of the said highway so being ruinous, broken, and in decay as aforesaid; and the same ancient lands and tenements have, during all the time aforesaid, belonged unto and been holden by the same Thomas Bamber the younger, and those whose estate he now hath, and at the taking of the said indictment had, of and in the same, and still belong to, and are holden by, the same Thomas Bamber the younger (except and subject to, as hereinafter mentioned), but that the same township of Layton with Warbreck adjoins to the sea coast, and is liable to encroachments by the sea, and that the sea has from time to time, within living memory, made encroachments in and upon the said ancient lands and tenements, and carried away the soil and earth of the same, so that part of the same space anciently occupied by the said ancient lands and tenements, was at the time of the taking of the said indictment, and now is, occupied by the sea; and that there was, from time immemorial, and now is, (except and subject as hereinafter mentioned,) a certain ancient common and public highway, leading and used as in the said indictment mentioned, and part whereof passed and passes over the said ancient lands and tenements; and that from time immemorial (subject and except as aforesaid, and as hereinafter mentioned), the same Thomas Bamber the younger, and all those whose estate he now hath, and at the taking of the said indictment had, of and in the said ancient lands and tenements, have restored, repaired, and amended, and ought of right to have restored, repaired, and amended, and he, the said Thomas Bamber the younger, ought now to repair and amend so much of the same highway as passes or passed over the said ancient lands and tenements, and that the encroachments of the sea have, within living memory, from time to time extended into and over the said ancient highway, so that a portion of the land over which the same ancient highway went, now is, and at the time of the taking of the said indictment was covered by the sea and impassable, wherefore those whose estate the same Thomas Bamber the younger now hath as aforesaid, have from time to time gradually

removed the same ancient highway and appropriated other parts of the said ancient lands and tenements for the site thereof, so as to keep the same along, but on the landward side of, the sea coast, and so that the public have had the uninterrupted use of a road for the purposes of the said ancient highway, and that the same road hath always been repaired by the said Thomas Bamber the younger and those whose estate he hath as aforesaid, as or in lieu of so much of the said ancient highway; and that the said part of the said common and public highway mentioned in the said indictment, and supposed thereby to be ruinous, broken, and in decay, was at that time, when the same is by the same indictment supposed so to be ruinous, broken, and in decay, and still is, part of the said ancient highway so going and passing over the said ancient lands and tenements called the Gyn, and used by the public as aforesaid, though going and passing over a different part of the same ancient lands and tenements from that formerly occupied by any part of the said ancient road, and now occupied by the sea as aforesaid; and that in the month of March last the sea made an encroachment in and upon the same part of the said common and public highway so supposed by the said indictment to be ruinous, broken, and in decay, and washed and carried away large quantities of the earth and soil thereof, and that the same part of the said common and public highway then and there became and was and ever since hath been uneven and very ruinous, broken, and in great decay, for want of due restoration, reparation, and amendment of the same, so that the liege subjects of the Queen, during the time last aforesaid, could not go, return, pass, repass, and labour with their horses, carts, and carriages, along and over the same highway as they ought and were accustomed to do, in manner and form as in the said indictment specified, and that the said Thomas Bamber the younger hath not restored the same, but that a portion of the same part of the same highway now has, and ever since the said month of March last past, had the earth and soil thereof washed away by the sea, and was and is made impassable, and the residue of the said road thereby became, and was, and is too narrow for passage, and was made to stand, and now stands, at the edge of a precipitous bank of the depth of

seventy feet, or thereabouts, and shelving down to the sea at an angle to the horizon of forty-five degrees, or thereabouts, and it would cost a very great sum of money to make a passable road over the same space that was occupied by such road up to the month of March last past. But whether, &c.

Upon this finding the Court of Quarter Sessions directed a verdict to be entered for the Crown, and adjudged the defendant to pay a fine of 1s.

Error being brought on this judgment, the case was now argued by—

Cowling, for the plaintiff in error (the defendant below).—The judgment of the Court below is erroneous. If the defendant is liable, he would be equally so if all the lands were washed away. The Court cannot give judgment against the defendant on this verdict: the facts are not stated with sufficient precision. The prosecutor should make out,—first, that this is an ancient highway; secondly, the defendant's liability; thirdly, his default. But, first, there is no proof of such a highway as alleged. The jury find that the public have a right over the highway, "subject and except:" that means, subject and except as to that part washed away. If the ancient line of road was subject to change from time to time, the same road cannot be said to have been used as a highway from the time whereof the memory of man runneth not to the contrary, and it is a particular line which the indictment charges to be out of repair. The present line of road is distinctly found by the verdict to have been made in modern times. Secondly, the defendant's liability to repair the old line is not found; on the contrary, it is found that the defendant provided a new line as the old one was washed away from time to time. The indictment should have been then for not providing a new road, but the special verdict does not state that he has not done this, and the public, for anything that appears, may now have a road somewhere over the defendant's lands. Thirdly, this being a special verdict, the Court is tied down to the facts found in it: how is it found that the road is ruinous, &c.? It is found that the encroachment of the sea has carried away the road. A party bound to repair a road *ratione tenuræ*, is not liable to repair in such a case. His liability extends to making

good damage that has happened to the surface, but he is not liable to repair a sea bank, which is, in substance, sought to be imposed upon him. It appears that the bank is sixty or seventy feet high; and where is the liability to restore such a bank found? It would, at any rate, be a question for the Commissioners of Sewers—*The King v. the Commissioners of Sewers for Essex* (1). The length of the bank should be kept in repair by the occupiers of the level fronting the sea. The only case in which such a question has arisen is *The Queen v. the Inhabitants of Paul* (2). In that case a parish was indicted for the non-repair of a road which had been made on a quay or wall, and which the sea had washed away; and Maule, J. observed, that the interruption of the passage was not from the want of repair, but from the sea having washed away the wall or embankment, and that there was no longer anything for them to repair, and directed an acquittal. This being against an individual, the case is still stronger.

Baines (*Drinkwater* was with him), for the Crown.—It is not necessary to allege that the highway has existed from time immemorial, or to prove it if alleged—2 *Saund*. 158, d, *Dyer*, fol. 33, *The King v. Jones* (3), *The King v. Hollingberry* (4). It being shewn that the defendant was liable to repair the old road, the same liability would attach with respect to the substituted road—1 *Hawk. P.C.* c. 76. s. 10. The jury find, in effect, that a portion of the road is washed away by the sea; but if that be so, the entire width is to be made out from Bamber's land. Besides, according to the case of *The King v. the Commissioners of Sewers*, which was relied on by the defendant, he is *primæ facie* liable in respect of his sea frontage—*Callis on Sewers*, ss. 115, 146. He must either shew that some one else is liable, or that the accident was of such a nature that no care or precaution on his part could have guarded against it—*Com. Dig.* 'Sewer,' E, 3, *Keighley's case* (5). The last encroachment, which is found to have happened in March last, is not shewn

(1) 1 B. & C. 484; s.c. 1 Law J. Rep. K.B. 169.

(2) 2 Moo. & Rob. 307.

(3) 2 B. & Ad. 611; s.c. 9 Law J. Rep. M.C. 98.

(4) 4 B. & C. 329; s.c. 3 Law J. Rep. K.B. 226.

(5) 10 Rep. 139.

to be sudden, or that there was any extraordinary flood.

[WIGHTMAN, J.—You have not alleged his duty to be to keep out the sea.]

But he is to restore, at all events, and it is not for the prosecutor to negative any exceptions which the law might imply; the defendant must positively allege facts exempting him from liability.

[WIGHTMAN, J.—The road is found to be ruinous because the sea is not kept out, and not for want of due reparation.]

The road is found to be ruinous, and it is not necessary to allege the process by which it became so; in ordinary cases the indictment does not allege that the road has become ruinous, &c. by reason of horses, carts, &c. passing along it: in *The Queen v. the Inhabitants of Paul*, there was no proof of the liability of the parish at any time to repair the road, or that they had ever done so.

[COLERIDGE, J.—It appears, to me, that you have alleged one species of prescriptive liability, and the special verdict finds another. Suppose the road to be out of repair, would the defendant, by setting out a new line, comply with the prescriptive obligation imposed on him?]

[WIGHTMAN, J.—Do you say that he is to repair the road which is found to be washed away, or to set out a new one?]

He is to restore the road in the line mentioned in the indictment.

[WIGHTMAN, J.—The special verdict finds that half the old road is under water, and it does not find that the defendant has not set out a new road.]

Cowling, in reply, was stopped by the Court.

LORD DENMAN, C.J.—It appears that the sea has continually made encroachments, and washed away both the road and a portion of the lands the defendant holds. He is not charged with not setting out a new road out of the rest. I do not rely much on the argument on behalf of the defendant, that the old line is gone; but here it would appear that the whole of the materials are swept away. Is there any authority for saying that a person in such a case is to find a new earth for the rest of mankind to travel upon?

Per Curiam—

Judgment reversed.

BAIL COURT. }
1843. } *In re FLETCHER.*
Nov. 22. }

Habeas Corpus—Commitment—Conviction—Statute 9 Geo. 4. c. 69. s. 1—Game.

Upon a return to a habeas corpus, the Court will not give any direction or advice to the gaoler, as to the matter of which his return should consist.

A warrant of commitment, directing the gaoler to imprison a party for three months, omitting the day of the month on which it was granted,—held bad.

Semble—a conviction under the statute 9 Geo. 4. c. 69. s. 1. ought to state that the defendant entered or was in the close for the purpose of taking game there, and it is not sufficient to follow the words of the statute.

Robert Fletcher the younger, being a prisoner in the custody of the keeper of Cambridge county gaol, obtained a writ of *habeas corpus*, under which he was now brought into court. The gaoler had made a return, setting forth a warrant, of which the following is a copy:—

County of Cambridge, to wit.—To the constable of Soham, in the county of Cambridge, and to the keeper of the common gaol at Cambridge, in the said county.—Whereas Robert Fletcher the younger, of Soham, in the said county, labourer, is convicted by and before us, the Reverend John Calthorpe, clerk, and ———, two of Her Majesty's Justices of the Peace in and for the said county, upon the oath of James Cowell, for that he, the said Robert Fletcher the younger, at the parish of Soham, in the said county, with three other persons unknown, in certain lands there situate, in the occupation of William Cornwell, did by night, to wit, after the expiration of the first hour after sunset, on Monday the twenty-third day of October in the year one thousand eight hundred and forty-three, and before the beginning of the first hour before sunrise on the twenty-fourth day of October in the same year, that is to say, about the hour of one in the night of the said twenty-third day of October, unlawfully enter upon the said land with a net, for the purpose of taking game, contrary to the form of the statute in that case made and provided; and

thereupon we, the said Justices, adjudged the said Robert Fletcher the younger, for his said offence, to be imprisoned in the common gaol at Cambridge, in and for the said county of Cambridge, and there kept to hard labour for the period of three calendar months, and that, at the expiration of such period, he, the said Robert Fletcher the younger, find sureties by recognizances as hereinafter mentioned. These are therefore to require you, the said constable, to apprehend and forthwith convey the said Robert Fletcher the younger to the said common gaol at Cambridge aforesaid, and deliver him to the said keeper thereof, together with this precept: and you, the said keeper, are hereby commanded to receive the said Robert Fletcher the younger into your custody in the said common gaol, there to be imprisoned and kept to hard labour for the period of three calendar months, and if, at the expiration of such period, the said Robert Fletcher the younger shall not find sureties by recognizance, himself in the sum of 10*l.*, and two sureties in the sum of 5*l.* each, or one surety in the sum of 10*l.*, conditioned that the said Robert Fletcher the younger shall not so offend again for the space of one year next following, then that you, the said keeper, further imprison the said Robert Fletcher the younger in your custody at Cambridge aforesaid, and there to be kept at hard labour for the space of six calendar months, unless such sureties shall be sooner found. Given under our hands and seals, the — day of October, in the year of our Lord 1843.

Joseph Sidney Sharp, (L. s.)

John Calthorp, (L. s.)

The return did not state that the gentlemen were Magistrates.

Biggs Andrews moved that the return should be filed; whereupon—

Worlledge, on behalf of the committing Magistrates, applied to the Court to direct the gaoler to substitute for this another return, setting forth not merely the warrant of commitment, but also a good and valid conviction under 9 Geo. 4. c. 69. s. 1.—the Night Poaching Act—the gaoler having expressed his readiness to make any return the Court should direct, but declining to alter his return without such direction. He

referred to *The Canadian Prisoners' Case* (1), where it was held that the gaoler might substitute a return drawn by counsel, for that originally prepared.

[*PATTESON, J.*—The gaoler is at liberty to make what return he thinks fit; but the Court will not give him any directions or advice in the matter.]

The return originally prepared was thereupon filed.

Biggs Andrews then stated the following objections to it:—First, that the name of one of the Magistrates was omitted in the body of the warrant of commitment, and it did not therefore appear that the defendant had been properly convicted; secondly, that the time alleged for the commission of the offence was an impossible time; and, thirdly, that the date of the warrant was omitted, it being merely “the — day of October, A.D. 1843.”

PATTESON, J., (stopping *Andrews*,) called on—

Worlledge.—The omission of the name is immaterial, as the word *our*, in the attestation, must be taken to refer to *us*, two of Her Majesty's Justices of the Peace for the county of Cambridge, in the body of the commitment, and it therefore appears that the two committing Magistrates were the two who convicted. It is unnecessary to set out the names of the convicting Magistrates in the recital of the conviction, so long as it is stated to have been made by two Justices; for if there is reasonable ground to infer, from the commitment, that there has been a valid conviction, the Court will do so—*The King v. Rogers* (2); and it is to be presumed, in all cases, that a conviction had preceded the commitment—per Lord Lyndhurst, C.B., *Daniell v. Phillips* (3). It also is to be collected, from the commitment taken altogether, that Mr. Calthorp, at all events, was a Justice of the Peace, and one Justice can commit, though a conviction may require two—3 Geo. 4. c. 23. s. 2. The jurisdiction of the Justices need not expressly appear on the commitment, if it can be collected from the return—per Lord Holt, C.J.—*Elderton's case* (4),

(1) 9 Ad. & El. 731; s. c. 8 Law J. Rep. (n.s.) Q.B. 129.

(2) 1 Dowl. & Ry. 166.

(3) 1 Cr. M. & R. 670; s. c. 4 Law J. Rep. (n.s.) M.C. 67.

(4) 2 Lord Raym. 980.

2 *Hale's P.C.* 122; and it is clear that, reading the commitment in any way, the conviction has taken place before two Justices, and that Mr. Calthorp was, in fact, a Justice of the Peace. Secondly, the words "about one o'clock on the night of the 23rd of October" may be rejected as surplusage, and a sufficient statement of time remain, as the entry is stated to have been "by night." Thirdly, the omission of the date is immaterial, as it appears that the offence, and conviction, and commitment were all in the month of October, and subsequent to the 23rd; and it is impossible, therefore, that the period of imprisonment can have elapsed. Taking the commitment most strongly in favour of the prisoner, it cannot have been previous to the 24th of October.

[PATTESON, J.—From what period would the three months run?]

From the conviction; but it is immaterial to inquire into that, if it is clear that they have not elapsed, and the prisoner is not, therefore, entitled to his discharge. At all events, it would run from the time the gaoler receives the party, and with that date both parties must be acquainted.

Biggs Andrews, contra.—A commitment is to be construed as strictly as a conviction—*In re Peerless* (5). Here, reading the conviction as recited, it states that the prisoner was convicted before us, John Calthorp, and ———, two of Her Majesty's Justices; from which it does not appear that J. C. was a Justice: and then there is nothing on the face of the commitment to shew that either of the parties who executed it had jurisdiction, which is a fatal defect—*The King v. York* (6). The return is silent as to their being Magistrates, and does not supply the fact. The omission of the date is also clearly bad, because the commitment ought to inform the party, and also the gaoler, how long he is to be detained; and it affords him no data for this purpose. As to the suggestion that the gaoler must know when he receives him, and the imprisonment ought to reckon from that time, suppose the constable were to delay conveying him to gaol for a day, or even for a week, that

period ought to be included; the prisoner ought not to suffer for the constable's misconduct. It cannot date from the conviction, for it may be that the party may have been at large, and then he ought not to be discharged till he has been imprisoned three months. The conviction is also bad, because it does not shew that the prisoner's purpose was to take game by night in the inclosed land, into which the entry is stated to have been made, which it ought to have done—*Davies v. the King* (7). It may be that he was traversing land to a distant cover, and then he ought to have a *locus penitentiæ*.

Worlledge, in answer to this last objection.

—The conviction precisely follows the language of the act of parliament in stating that the prisoner did, by night, enter the inclosed land in question, for the purpose of taking game. The entry by night is the gist of the offence, and the natural meaning of the words "entered a close for the purpose of taking game," must be, that his purpose was to take game in that close. *Davies v. the King* is no authority for the objection, as there no allegation was inserted that the party was *by night* in the close for the purpose of taking game, and the judgment of the Court proceeded upon that objection.

PATTESON, J.—I am certainly inclined to think that the last objection which has been raised is valid; but it is unnecessary that I should give any decision upon the point, because I am clearly of opinion that a commitment like this, without a date, is bad. The gaoler ought to be able to ascertain, from the warrant itself, how long he is to detain the person committed by it, and the omission in that respect is fatal. This is a defect arising out of the warrant itself, and such as no conviction, however good, could help. Under these circumstances, I shall give no opinion on the other objections, although, to say the least of it, the omission of the name of the other Magistrate was very slovenly.

Prisoner discharged.

(7) 10 B. & C. 89; s. c. 8 Law J. Rep. M.C. 49.

(5) 1 Ad. & El. n.s. 148; s. c. 10 Law J. Rep. (n.s.) M.C. 67.

(6) 5 Burr. 2684.

1843. { THE QUEEN v. THE INHABIT-
Nov. 18. { ANTS OF CHARLBURY AND
WALCOTT.

*Appeal—Order of Removal—Merits—
Examinations—Order of Sessions.*

The Court of Quarter Sessions, on appeal, quashed an order of removal, generally, without going into the evidence, on the ground that the examinations, accompanying the order, were defective and insufficient, by reason of an omission, which the Sessions judged material, and which defect and omission had been specifically pointed out in the statement of grounds of appeal. Another order of removal of the pauper, from the respondent to the appellant parish, was then made, and that order was appealed against, on the ground that the former judgment of the Sessions was conclusive as to the settlement. At the trial of the second appeal, the respondents tendered evidence to shew that the first order was quashed on a preliminary objection to the sufficiency of the examination, and that the merits were not gone into. The Court of Quarter Sessions held, that the former judgment was conclusive, and refused to hear the evidence, and quashed the order:—Held, that the Sessions were right in deciding that their first judgment was conclusive, and that it was not necessary to consider whether their decision on the first occasion was right or not.

Upon an appeal against an order of two Justices, dated the 14th of February 1843, for the removal of Elizabeth Wright, widow, and her four children, from the township of Charlbury and Walcott, to the parish of Bloxham, both in the county of Oxford, the Sessions quashed the order, subject to the opinion of this Court on a case, which, after setting out the order of removal, stated that the first of the grounds of appeal against the order was as follows:—"that a former order, made by the Right Hon. Lord C. and B. W. Esq., two of Her Majesty's Justices of the Peace for the said county of Oxford, bearing date the 15th of October, A.D. 1842, for the removal of Elizabeth Wright, widow, and her four children (naming them), from the said township of Charlbury and Walcott to the parish of Bloxham, was quashed, on appeal, by the Court of the General Quarter Sessions held at Oxford,

in and for the county of Oxford, on the 2nd of January, A.D. 1843, and which said order of Court related directly to the settlement of the said Elizabeth Wright and her said four children on the day of the date of the said former order of removal, which is the same settlement now in question between the parties to the present appeal, and is therefore binding and conclusive between them, so far as respects the place of the last legal settlement of the said Elizabeth Wright and her said four children, it not appearing on the copy of the examination of Mary Wright, sent to the appellants (such examination being the only one sent with the order now appealed against), that the said Elizabeth Wright has done any act to gain a settlement since the date of the said former order of removal."

Upon the trial of the present appeal, it appeared that a former order of removal had been made, and had been quashed on appeal, as stated in the grounds of appeal above set out; but it also appeared that such former order had been quashed upon an objection taken in the grounds of appeal against that order, that the examination on which it was founded was defective in not stating the date of the birth of the pauper's husband, and which omission the Court of Quarter Sessions, after hearing the arguments of counsel on both sides, held to be material, and therefore quashed the order, without hearing any evidence, or further going into the case. Upon the trial of the present appeal, a witness was tendered, to prove that at the hearing of the former appeal, the order of removal was quashed upon a preliminary objection to the sufficiency of the pauper's examination, and that the merits of the case were not gone into; but the Court of Quarter Sessions held, that such evidence would not alter their decision, and thereupon, after hearing counsel on both sides, the Court of Quarter Sessions quashed the present order of removal, subject to the opinion of this Court, as to whether the judgment quashing the former order of removal, under the circumstances above stated, was conclusive between the parties, so as to preclude the respondents from removing the paupers again, upon a fresh order, founded upon an amended examination, which supplied the omission in the former one. According to the view taken by the Court of Queen's

Bench, the order of Sessions was to be confirmed or quashed, as the Court might direct.

Keating and Pigott, in support of the order of Sessions.—The Sessions, on the first occasion, having held the omission material, their judgment is conclusive—*The Queen v. Evenwood and Barony* (1). True, that was a case arising on a defect in grounds of appeal, but the same strictness of construction holds with respect to statements of grounds of appeal and examinations—*The Queen v. Eastville* (2), *The Queen v. Old Stratford* (3), *The Queen v. Clint* (4). In this case the defect appears on the face of the examination—*The Queen v. Church Knowle* (5). The cases of *The King v. Wick St. Lawrence* (6), and *Osgathorpe v. Diseworth* (7), are distinguishable, as in each of those cases it was shewn that the judgment was not on the merits as regarded the settlement; here, the omission has been found material, and the decision is on the very merits. No distinction can be drawn between cases where the evidence is insufficient to support the case made in the examination, and those in which it is inadmissible by reason of the insufficiency of the examination.

[LORD DENMAN, C.J.—The burthen of shewing that the decision of the Sessions was right, on the first occasion, is not on you.]

Kelly and Walesby, contra.—When the Court of Quarter Sessions decide erroneously on a preliminary point, this Court will review their decision—*The Queen v. the Justices of Carnarvonshire* (8). Here it appears that the former appeal was stopped, on the ground that the date of the birth of the pauper's husband was not stated in the examination. That was a preliminary objection. It had no reference to the real merits, and the date of the birth might or

might not become material in the course of the inquiry. In *The Queen v. Evenwood and Barony*, the appellants were not allowed to be heard, by reason of a defective statement in the grounds of appeal.

[PATTESON, J.—Does not the rule apply quite as strongly to the case of an examination? If you state a settlement imperfectly, is it not the same thing as stating no settlement at all?]

In all the cases cited on the other side the evidence was gone into.

[PATTESON, J.—Not in the case of *The Queen v. Evenwood and Barony*.]

In that case, the settlement in the appellant parish was admitted, and it was therefore unnecessary for the respondent to give further evidence. Here the respondents were precluded from going into their case.

[PATTESON, J.—If the examination was insufficient, the hearing the evidence would not have supported the settlement.]

The Sessions, at any rate, should have let in the respondents to shew the ground on which the former order was quashed—*The King v. Wheelock* (9). They deprived themselves of the means of judging whether it was material or not. Great hardship will arise if parishes are bound by the decision of Sessions on immaterial points, as it has been decided that the appellants have a right to go to the Sessions for their costs—*The Queen v. Townstall* (10) and *The Queen v. Stayley* (11); and the Court will not compel the Sessions to make a special entry of the grounds of the judgment—*The Queen v. the Justices of Lancashire* (12).

LORD DENMAN, C.J.—The object of the legislature has been to obtain a free and true communication of the facts between the parties. When that is not done, great expense is unnecessarily thrown on the contesting parishes. In this case, the examination on which the order was made, being sent by the respondent parish, the appellants by their grounds of appeal objected, that such examination was defective, in not stating the date of the birth of the pauper's husband. It is clear, that that date might have been very material. The respondents having

(1) 12 Law J. Rep. (N.S.) M.C. 101.
 (2) 1 Gale & Dav. 150; s.c. 10 Law J. Rep. (N.S.) M.C. 132.
 (3) 2 Q.B. Rep. 117; s.c. 11 Law J. Rep. (N.S.) M.C. 115.
 (4) 11 Ad. & El. 624; s.c. 10 Law J. Rep. (N.S.) M.C. 151.
 (5) 7 Ibid. 471; s.c. 7 Law J. Rep. (N.S.) M.C. 4.
 (6) 5 B. & Ad. 526; s.c. 3 Law J. Rep. (N.S.) M.C. 12.
 (7) 2 Stra. 1256; s.c. Burr. S.C. 262.
 (8) 2 Q.B. Rep. 325; s.c. 11 Law J. Rep. (N.S.) M.C. 3.

(9) 5 B. & C. 511.
 (10) 12 Law J. Rep. (N.S.) M.C. 72.
 (11) Ibid.
 (12) Ibid. 76.

then notice of this omission, it is in their discretion either to go to the Sessions, or to abandon their order, and proceed to obtain a new one. It is said, indeed, that there would be a difficulty in doing this, as the appellants may enter the appeal at the Sessions, at all events, in order to get their costs, and the order would therefore be quashed in this way. That, however, has nothing to do with the question; costs might be tendered or the amount of them referred to some competent person. In this case, however, the parties do go to the Sessions to take their chance, and the Sessions find the examination insufficient by reason of the omission, which they hold to be material, and the order is quashed. Then there is a second order of removal of the paupers, and when the appeal against this second order comes on for hearing, the Sessions are called upon to make a special entry referring to the former order, to the effect that such former appeal was not decided on the merits. This they refuse to do, and the question whether the former order was conclusive, is that which they submit to us. Whether the omission in the examination was material, we cannot tell. As the pauper was about to be removed to her husband's birth settlement, the date of his birth might be most material in making the case out: at all events, if removing parties choose to abide by the original order when the defect in the examination is pointed out to them, they must abide by the judgment of the Sessions when the case comes to be heard. The case of *The Queen v. the Justices of Carnarvonshire* has been cited, to shew that the Court will compel the Sessions to hear when they refuse a hearing on wrong grounds. That was the case of a mandamus, and we thought that the appellants ought to have been let in to be heard upon the information contained in their grounds of appeal, and that the Sessions improperly refused to hear. In the present case, we must abide by our decision in the case of *The Queen v. Evenwood and Barony*, and the order of Sessions must, therefore, be confirmed.

PATTESON, J.—Many nice points may, no doubt, be raised for our decision in cases of this nature; and it is said, that decisions on technical grounds increase litigation, but does not the true communication of the facts between the parties lessen the number of appeals? Are there not many cases in

which settlements are fixed, merely on the statements contained in the examination and grounds of appeal, without the parties going to the Sessions? If an order of removal is quashed generally, it is competent to the parties to shew upon what ground it was quashed; and if it was quashed on a ground which does not decide the question of the settlement, but on some other objection, the question of settlement may be gone into again, as in the case of *Osgathorpe v. Diseworth*. But in this case there was an omission in the examination, which was found to be material by the Sessions, and we do not enter into the question whether it was material or not; the Sessions so decided it. Then there is a second order of removal, and upon appeal the respondents say, now we ought to be allowed to go into the grounds on which the first order was quashed. They do state those grounds, and the Sessions hold that their former judgment was conclusive, and only come to us for our opinion, whether they were right on this point. It seems to me, that if the Sessions quash an order by reason of the omission of a material fact in the examination, it comes to the same thing as if they went into the case, and the evidence was defective; and it is in effect like a judgment on a demurrer to the examination, that is to say, admitting all the facts, the examination shews no settlement. If an order quashed for want of evidence is conclusive, it appears to me that an order quashed for a material omission in the examination is also conclusive on the merits. The case of *The Queen v. Evenwood and Barony* seems to be on all fours with the present case, and upon consideration I agree to the principle established by that case; and that principle is, that wherever there is a material omission, either in an examination or in the statement of grounds of appeal, and that is so decided by the Sessions, and the order is either quashed or confirmed, as the case may be, on that ground, that is a decision on the settlement itself. I think, therefore, that the Sessions decided rightly in this case, and that their former order was conclusive.

WILLIAMS, J.—I entirely concur. It has long been settled, that when an order of removal is quashed, it is conclusive between the same parties on the same state of facts. A decision that a pauper is not chargeable,

is not a decision on a mere matter of preliminary form. As soon as fresh relief is given a new state of facts arises, and you may then remove again. In the present case an order is quashed on account of the examination being defective; but, it is contended, that there was not a decision on the merits. What is to be considered a decision on the merits? If an appeal comes on for hearing, whether more or less, and the evidence is insufficient, surely that is a hearing on the merits; here the examination is insufficient, and so stated to be in the grounds of appeal, and is so decided by the Sessions. It cannot, I presume, be said, that in such a case witnesses ought to be called on each side. Surely there has been a hearing; and the Sessions having decided on a matter eminently within their jurisdiction, that is a decision on the merits; and the order being quashed on a hearing on the merits, I think the first judgment was conclusive.

COLERIDGE, J.—I quite agree with the observation of my Brother Patteson, that in consequence of adhering to minuteness and accuracy in the examinations and statements of grounds of appeal, fewer cases are taken to the Sessions; and where an examination is objected to on the ground of insufficiency (not mis-statement), it may be that it does not give sufficient information, which objection stands on the equity of the statute; or it may be, that supposing all the facts are proved, sufficient is not shewn to support a settlement, which stands on the letter of the statute, which forbids parties going out of the grounds stated in their examination. But in either case the Sessions are to decide; and it appears to me that a decision on the examination is as much a decision on the merits, as if the whole facts were proved by the witnesses, and a decision were come to by reason of a defect in the evidence. It is true, that when the Sessions improperly refuse to hear, the Court will interfere by mandamus; but in this case, if they had heard the evidence that was tendered, still the result would have been the same. The respondents do inform the Sessions of the ground on which the first order was quashed; the Sessions say it was on the merits and conclusive: we cannot say that the Sessions were wrong, if, on the facts stated, they may have been right. The

date of the birth of the pauper's husband may have been a cardinal point, the proof of his legitimacy might depend upon it; and the appellants should have full opportunity of ascertaining the time of his birth, and other particulars of his history.

Order of Sessions confirmed.

1843. { THE QUEEN v. THE INHABIT-
Nov. 18. { ANTS OF THE PARISH OF
KINGSCLERE.

*Appeal—Order of Removal—Merits—
Examination—Sessions.*

At the hearing of an appeal, the Sessions were of opinion, upon objection taken, that the examinations were insufficient, and quashed the order, but at the request of the respondents, and with a view to enable them to obtain a fresh order, they stated in the order of Sessions, that the order of removal was quashed, "but not on the merits:"—Held, upon a case stated, that the Sessions were not bound to quash the order absolutely, and that this Court would not entertain the question, whether the objection went to the merits of the settlement, though that question was raised on the case, the Sessions having found in terms that they quashed not on the merits.

Upon an appeal against an order of two Justices, dated the 2nd of June, A.D. 1842, for the removal of William Webb, his wife, and four children, from the parish of Thatcham, in the county of Berks, to the parish of Kingsclere, in the county of Southampton, the Sessions quashed the order, "but not on the merits," subject to a case to be stated for the opinion of the Court of Queen's Bench, "whether the insufficiency of the examination of the pauper is a defect of form, or a question of merit." The order of removal was made upon the examination of the pauper, and of Thomas Webb, the brother of the father of the pauper. Thomas Webb stated, that he was sixty years of age, and born in the parish of Kingsclere, where he is a parishioner, and was relieved by that parish upwards of forty years ago; and that his father was also a parishioner of Kingsclere, and received relief of such parish for several years previous to and up to his

death. That his late brother Alexander Webb, the father of the said William Webb (the pauper), was a parishioner of the said parish of Kingsclere, of which he also received relief for upwards of two years previous to his death, which occurred in the parish of Thatcham, where he then resided. (The remainder of the examination was immaterial.)

The grounds of appeal stated, first, that the said order of removal, and the examinations on which the same are grounded, is and are bad upon the face and faces thereof. Fifthly, that the said examination and examinations is and are bad upon the face and faces thereof, because it does not appear in and by the said examination and examinations, or either of them, at what time or times, or in what year or years, the said Alexander Webb received relief from the said parish of Kingsclere, nor from whom, if from any one, the said Alexander Webb received the same; eighthly, that they were also bad on the face thereof, because it did not appear by them that the said Alexander Webb ever received any relief from the said parish of Kingsclere at any time when he was not residing in the said parish of Kingsclere; twelfthly, that they were bad, &c., because it did not appear that the two years, during which it is alleged in the said examination of the said Thomas Webb, that the said Alexander received relief from the said parish of Kingsclere, were the two years immediately preceding the death of the said Alexander Webb.

At the hearing of the said appeal, the counsel for the respondents stated, that the pauper William Webb had a settlement in the appellant parish, derived through Alexander Webb his father, whom the appellant parish had acknowledged to be their parishioner by having relieved him while resident in the respondent parish. The appellants relied upon their grounds of appeal, and objected, that the respondents were not entitled to go into evidence of that head of settlement, inasmuch as the time at which the said Alexander Webb was supposed to have been relieved by the appellant parish, while resident in the respondent parish, had not been stated with sufficient particularity in the examinations upon which the said order of removal was founded, and that the examinations were on that ground insufficient to

support the order. The Court, after hearing counsel for the respondents, adopted this view of the case, and quashed the order, without allowing the respondents to go into their case, upon the ground of the insufficiency of the examinations in that respect; but at the request of the respondents, and with a view to enable them to obtain a fresh order of removal, the Court directed the order of Quarter Sessions for quashing the order of removal to be drawn up in the following form:—

“Upon the appeal of the churchwarden and overseers of the poor of the parish of Kingsclere, in the county of Southampton, (entered and respited at the last session until this session,) against an order under the hands and seals of A. B. and C. D, two of her Majesty's Justices, &c., for the removal, &c., and upon reading the said order of the said two Justices, and upon hearing counsel for and on behalf of the said parish of Thatcham, the respondents, and also upon hearing counsel for and on behalf of the said parish of Kingsclere, the appellants, it appeared unto this Court, that the examination of the pauper and other persons annexed to the said order of Justices is insufficient. It is therefore ordered and adjudged by the Court, that the order of the said two Justices be quashed, but not on the merits, and it is hereby quashed accordingly. And it is further ordered, that a special case be stated for the opinion of her Majesty's Court of Queen's Bench, at Westminster, whether the insufficiency of the examination of the pauper is a question of form or a question of merit.”

The above case had been accordingly stated in compliance with the direction of the Court of Quarter Sessions, as contained in the last-mentioned order; and that the question for the opinion of the Court was, whether, under the circumstances above stated, the Court of Quarter Sessions were not bound to quash the order of removal absolutely, inasmuch as they had decided that the examination on which it was founded was insufficient, or whether such insufficiency of examination was a mere defect of form. If the Court should be of opinion, that the insufficiency of the examinations is a mere defect of form, the entry of the Court of Quarter Sessions was to stand, otherwise the order of removal to be quashed absolutely.

Tyrwhitt, in support of the order of Sessions, relied on the judgment just pronounced in *The Queen v. Charlbury and Walcott*. The Sessions had a right to decide on the law, and to add the special entry—*The Queen v. Brighton* (1), *The King v. Cottingham* (2).

The Court called on—

Carrington and Bros, contra.—The decision in *The Queen v. Charlbury and Walcott* is in the appellants' favour, inasmuch as the Sessions have quashed for the insufficiency of the examination. That is a defect in substance, and the decision of the Sessions is therefore conclusive as to the settlement at the time of the order of removal. It is utterly inconsistent that by such an entry the Sessions should reserve to the respondents power to remove again.

LORD DENMAN, C.J.—The Sessions here have decided, that the objection taken did not go to the merits of the settlement. We decline to enter into the grounds of their decision. They appear to have considered that the omission of the date of the relief was not in this case material; and they say, by their entry, that they do *not* decide on the merits.

PATTESON, J. concurred.

COLERIDGE, J.—We have never said that all decisions of the Sessions, on the sufficiency of the examinations, are decisions on the merits.

Order of Sessions confirmed.

1843. } THE QUEEN v. THE INHABITANTS OF HUNNINGTON.
Nov. 15. }

Parish—Township—Settlement.

Previous to the year 1834, the parish of Hales Owen consisted of the township of H, the township of O, and other townships. Only one set of overseers was appointed for the whole parish, who made a joint poor-rate for such parish, which rate formed a common fund for parochial purposes. In 1834, by the authority of a mandamus from the Court of King's Bench, separate overseers were

appointed for the township of H, which from that time maintained its own poor separately:—Held, that no settlement was gained in H, as a distinct township, prior to 1834; and that a pauper whose husband's father was hired, and served for a year in the township of H, in the year 1790, and who had acquired no subsequent settlement, was not removeable to such township.

Upon appeal against an order of removal, whereby Elizabeth, the wife of John Parker, (who had deserted her,) and her three children, were removed from the parish of Rowley Regis, in the county of Stafford, to the township of Hunnington, in the county of Salop, the Sessions of the county of Stafford confirmed the order, subject to the opinion of this Court upon the following—

CASE.

John Parker, the pauper's husband, is the son of William Parker, and has done no act to gain a settlement in his own right, but his father, William Parker, about the year 1790, was hired, and served for a year with one Daniel Hawkeswood, in the township of Hunnington, which at that time formed part of the parish of Hales Owen, in the county of Salop. At the time of such service, and up to the year 1832, the parish of Hales Owen consisted of the said township of Hunnington, the township Oldbury, and ten other townships, all in the county of Salop, and three other townships in the county of Worcester. The three Worcestershire townships had always had separate overseers, and supported their own poor, and managed their parochial affairs apart from each other and the rest of the parish, but that part of the parish of Hales Owen which is in the county of Salop, and which consists of the township of Hunnington, the township of Oldbury, and ten other townships, formed a distinct district for the maintenance of its poor, and all parochial matters, up to the year 1832, and was known as the parish of Hales Owen, in the county of Salop, and for which only one set of overseers of the poor were appointed, namely, four, who were annually appointed for the whole of the said last-mentioned parish, and who, together with the churchwardens, made a joint rate extending over the whole of the said last-mentioned parish, and which

(1) 2 Gale & Dav. 88; s. c. 11 Law J. Rep. (N.S.) M.C. 106.

(2) 2 Ad. & El. 250; s. c. 4 Law J. Rep. (N.S.) M.C. 6.

formed one common fund for the general maintenance and relief of the poor, and for payment of all parochial charges for the last-mentioned parish; but each of the said townships, including Hunnington, had then respective headboroughs, and repaired their highways separately.

In the year 1832 (1), a mandamus was obtained, directing the Justices of the county of Salop to appoint separate overseers for the township of Oldbury; and by the same authority, in the year 1834, separate overseers were appointed for the remaining eleven townships, including the said township of Hunnington, from which time separate overseers have continued to be appointed for all the said twelve townships, and each of the said twelve townships, from the time of such separation, has continued to maintain their own poor respectively, as distinct and separate parishes.

The question for the opinion of the Court was, whether upon the before-mentioned facts, now that the said parish of Hales Owen had ceased to maintain its own poor, and separate overseers were appointed for the said twelve townships, the said paupers were settled in the said township of Hunnington. If the Court were of opinion that the said paupers were settled in the said parish of Hunnington, the order of Sessions was to be confirmed; if not, the order of Sessions to be quashed.

F. V. Lee, in support of the order of Sessions. —The question is, whether the settlement gained by the father in that part of Hales Owen which forms the township of Hunnington, can be now considered a settlement in Hunnington. There is no case to shew that a settlement should not be held to be gained in Hunnington. The case of *The Queen v. Tipton* (2) will be relied on on the other side, but that case is distinguishable, as it turned on the precise words of the statute 54 Geo. 3. c. 170. s. 3, which is declaratory as to the settlements of bastard children born in district workhouses. In *The King v. Oakmere* (3), the separation of the township was made by act of parliament, but *The King v. Oldbury* (4) is in favour

of holding a settlement to have been gained in Hunnington.

[WILLIAMS, J. referred to *The King v. Saughton-on-the-Hill* (5).]

In that case, there were, at the time of the removal, no inhabitants in Gloverstone to serve the office of overseers. In *The King v. Crowland* (6), it was held, that a pauper might be chargeable on a portion of a parish, though there were no overseers. Hunnington must be considered as if it always was a township, and if so, the overseers of Hales Owen would be sufficiently overseers for that portion forming the township of Hunnington, to enable a party to gain a settlement there—*The King v. Merevall* (7). Wherever a parish is made up of several villis, each of which ought to appoint its own overseers, a settlement may be considered as having been gained by relation, after such overseers are appointed.

[COLERIDGE, J.—According to the argument that must be adopted on the other side, no settlement could be gained in this township prior to 1834.]

A decision for the appellants must go to that extent.

[LORD DENMAN, C.J.—You assume that all villis have from time immemorial been liable to the separate maintenance of their own poor.]

Corbett, contra.—This is not to be distinguished from *The Queen v. Tipton*. (He was then stopped.)

LORD DENMAN, C.J.—There certainly is some practical inconvenience resulting from the state of the law, as regards the right of settlement under circumstances like the present, but the principle which was recognized in *The Queen v. Tipton*, is the same that must govern this case. The same principle also governed the decision in *The King v. Saughton*, where it was held, that a settlement once acquired in a township, was extinguished by a settlement acquired in another township, which had, at the time of the order, ceased to be capable of having overseers, though the necessary effect of the decision was to leave the pauper without any settlement at all. So here, though the party is not settled in the parish of Hales

(1) See *The King v. the Justices of Salop*, 3 B. & Ad. 910; s. c. 1 Law J. Rep. (N.S.) M.C. 85.

(2) 11 Law J. Rep. (N.S.) M.C. 89.

(3) 5 B. & Ald. 775.

(4) 4 Ad. & El. 167; s. c. 5 Law J. Rep. (N.S.) M.C. 38.

(5) 2 B. & Ald. 162.

(6) 8 B. & C. 711; s. c. 7 Law J. Rep. M.C. 43.

(7) Burr. S.C. 661.

Owen, yet she cannot be considered as settled in any of those parts or townships which were not independent of the parish of Hales Owen, for the purpose of settlement, at the time the hiring took place, in respect of which the settlement is sought to be established. In the case of *The King v. Oldbury*, I referred to a passage in Lord Tenterden's judgment in the case of *The King v. Oakmere*, as to the effect of the modern appointment of overseers to townships which previously had none. It seems to me, however, that those remarks are not altogether sound. Though a vill or township may have existed from time immemorial, it cannot be said, that the obligation on it to maintain its own poor separately has existed from time immemorial, as there may have been no means of appointing officers for that purpose. What fell from Lord Tenterden, in the case referred to, was wholly immaterial with reference to the decision of the particular case; and I think that the present case cannot be distinguished from that of *The Queen v. Tipton*, by which we must be governed; and the order of Sessions must, therefore, be quashed.

WILLIAMS, J.—I am of the same opinion. In deciding this case, we must refer to that period of time at which the settlement was supposed to have been gained. That was before any settlement could be gained in the township of Hunnington. The case of *The Queen v. Tipton* is, therefore, directly in point.

COLERIDGE, J.—If this question had been entirely new, I should have wished to have had it more fully argued on the present occasion, but it seems to me that we are bound by the recent case of *The Queen v. Tipton*.

WIGHTMAN, J. concurred.

Order of Sessions quashed.

1843. } THE QUEEN v. THE INHABITANTS OF CARTWORTH.
Nov. 11. }

Certiorari—Notice of Motion for—Requisites of.

The Court of Quarter Sessions having confirmed an order of removal, subject to a case, a notice of the intention of the appellant parish to apply for a certiorari, was addressed to "J. S., Esq., and T. H. M., Esq.,

two of Her Majesty's Justices and keepers of the peace" for the West Riding of the county of York; and the affidavit of service of such notice stated that the deponent served "J. S., Esq. and T. H. M., Esq., two of Her Majesty's Justices of the Peace" for the West Riding:—Held, that the affidavit was insufficient, by reason of its not stating that the Justices so served were two of the Justices before whom the order of Sessions was made, and the rule for quashing the certiorari was made absolute, the special case being already set down for argument in the Crown paper.

Upon an appeal against an order for the removal of Matthew Wadsworth, his wife and five children, from the township of Upper Thong to the township of Cartworth, both in the West Riding of Yorkshire, which was heard at the adjourned sessions for the West Riding, held at Wakefield, on the 5th of January 1842, the order was confirmed, subject to a case for the opinion of the Court of Queen's Bench.

On the 29th of April 1842, according to the affidavit of the appellants' attorney, he served T. H. M., Esq., and on the 30th of April, he served J. S., Esq., who, his affidavit stated, were "two of Her Majesty's Justices of the Peace for the said riding," with copies of the notice thereunto annexed, by delivering a copy of such notice to each of them personally. This notice was addressed to "J. S., Esq. and T. H. M., Esq., two of Her Majesty's Justices and keepers of the peace of the West Riding of the county of York," and was as follows:—

"Take notice, that Her Majesty's Court of Queen's Bench will be moved on the 7th day of May next, or as soon after as counsel can be heard on behalf of the township of Cartworth, in the West Riding of the county of York, that a writ of *certiorari* may be issued, to remove into the said court a certain order, made at the General Quarter Sessions of the Peace held by adjournment at Wakefield, in and for the said riding, on the 5th day of January last, confirming a certain other order, made by two Justices of the Peace in and for the said riding, touching the removal of Matthew Wadsworth, Sarah his wife, and their five children, from the township of Upper Thong, in the said riding, to the said township of Cartworth,

and in confirming which order a special case was reserved by the said Court of Quarter Sessions for the opinion of Her Majesty's Court of Queen's Bench. Dated the 29th of April 1842.

"S. T. and B. Huddersfield, attornies for the inhabitants of the said township of Cartworth."

The writ of *certiorari* was issued on the 9th of May 1842, and was in the usual form to bring up "all and singular the order and orders made by the Justices between the inhabitants of the parishes touching the settlement," &c. The writ was forwarded to the clerk of the peace, but no return was made till the 9th of June 1843, when the special case was sent up, signed by the chairman. On the 15th of June, the rule for quashing the order was obtained, and the special case was set down in the Crown paper for the present term.

On the 4th of November,—

Pashley obtained a rule, calling on the defendants to shew cause "why the writ of *certiorari* issued in this prosecution should not be quashed, and why the defendants should not pay to the churchwardens and overseers of the poor of the township of Upper Thong the costs occasioned to them in consequence of the issuing of the said writ, and the costs of that application."

Both rules coming on together—

Pickering shewed cause against *Pashley's* rule.—The *certiorari* issued within the six months, and the case is now in the Crown paper. It is too late to move to quash the *certiorari* a year and half after it has been granted—*The King v. Rattislaw* (1), *The King v. Wakefield* (2). Here the objection might have been taken sooner. The delay in the return to the *certiorari* has arisen from the difficulty in settling the special case; and one of the grounds on which the *certiorari* is now sought to be quashed is, that the affidavit of service of the notice does not state that the Justices on whom it was served were present at the time the order was made (3). *The King v. Rattislaw* will be relied on. In that case it dis-

tinctly appeared that one of the Justices served had not been present at the time the order was made; here it is not decided that they were present. If the very names of these Justices do not appear, yet they must be taken to have been present at the making of the order, till the contrary appear. In *The Queen v. How* (4), the decision of individual Magistrates was sought to be impugned, and they shewed cause and objected to the notice; here the notice is mere form, the case having been granted by the Sessions, and the proceeding not being of a hostile character, but matter of consent.

Pashley, contra.—The notice given is not sufficient within the terms of the act 13 Geo. 2. c. 18. s. 5. The affidavit only states service on J. S. and T. H. M., two of the Magistrates of the West Riding. It should have gone further, and stated that they were two of the Magistrates by or before whom the order was made, otherwise it amounts to nothing. It cannot even be collected that at the time the order was made, the parties on whom the notice was served were Magistrates. The judgment of Lord Denman, C.J. in *The Queen v. How* is decisive. The Justices should have an opportunity of shewing cause—*The King v. Nichols* (5), and the right parties should therefore be served. In *The Queen v. the Justices of Wilts* (6), the affidavit was of service on three Magistrates, who

allowed, to remove any conviction, judgment, order, or other proceedings, had or made before any Justice or Justices of the Peace for any county, city, &c., or the respective General or Quarter Sessions thereof, "unless it be duly proved, upon oath, that the said party or parties suing forth the same hath or have given six days' notice thereof in writing to the Justice or Justices, or two of them, (if so many there be), by and before whom such conviction, judgment, order, or other proceeding, shall be so had and made, to the end that such Justice or Justices, or the parties therein concerned, may shew cause, if he or they shall so think fit, against the issuing or granting such *certiorari*."

(4) 11 Ad. & El. 189; s. c. as *The Queen v. the Justices of Shrewsbury and Salop*, 10 Law J. Rep. (N.S.) M.C. 8.

(5) 3 Term Rep. 281, n.

(6) 9 Dowl. P.C. 524; s. c. 10 Law J. Rep. (N.S.) M.C. 25.

(1) 5 Dowl. P.C. 539.

(2) 1 Burr. 488.

(3) The statute 13 Geo. 2. c. 18. s. 5. enacts, that no writ of *certiorari* shall be granted, issued forth, or

were sworn to have been present "at the trial and hearing of the said appeal." The statute 13 Geo. 2. c. 18. is not the less imperative, because the Sessions have consented to grant a case—*The King v. the Justices of Sussex* (7). [It was also objected that the notice was not given by the right parties, but the argument on this point is omitted.]

LORD DENMAN, C.J.—The only ground on which this notice could be held sufficient would be, that it is to be presumed that all the Magistrates of the West Riding were present when the order was made. I think we can make no such presumption. The caption, indeed, states that the Sessions were held before A. B. and C. D. (naming them), and others their fellows, Justices," &c. But we cannot presume that those others were present; indeed, we know that such is not generally the case. We may observe, that it is possible for a *certiorari* to go to the sessions without any case being granted; and we can draw no line to distinguish as to the practice. It may be that an order is sought to be set aside for defect on the face of it, and indeed it may be just possible that the Justices might have some cause to shew against the *certiorari*, such as that the case was granted under a mistake, or on some condition that has not been complied with. The rule must be absolute.

WILLIAMS, J.—The terms of the act of parliament are, that "no *certiorari* shall issue to remove any order of Justices, without notice to two of those by or before whom it was made, to the end that such Justices may shew cause against the issuing of the writ." Has that been done in this case? I agree with my Lord that it cannot be presumed that all the Magistrates in the division were actually present; if so, the *certiorari* has issued on an insufficient notice, and must be quashed.

COLERIDGE, J.—I am of the same opinion, though I yield to the objection with great reluctance, as we cannot but see that this mode of arriving at the result by a separate motion is indirect and expensive. The act of parliament did not contemplate cases in which a *certiorari* is moved for after a case granted at sessions, and it is in such

cases purely a matter of form. Where there is a conviction or other matter, with respect to which the acts of Magistrates are individually in peril, it is important that they should have notice, but when the Magistrates at sessions give a judgment subject to a case, the rest is mere matter of form. I fully accede, however, to the principle already laid down, and in holding the notice to be insufficient.

WIGHTMAN, J.—I entirely agree with the rest of the Court; and I would further observe, that even if the presumption which is contended for could, with propriety, be made, these parties could hardly be brought within the benefit of it, as it is not stated that the Magistrates on whom the notice was served were Magistrates at all at the time when the order was made.

Rule absolute for quashing the certiorari.

BAIL COURT. }

1843.

Nov. 25. }

— v. —.

Statute 13 Geo. 2. c. 18. s. 5.—Certiorari.

A writ of certiorari having been quashed, on the ground that the affidavit on which it had issued did not shew that the two Magistrates upon whom notice had been served were present at the sessions, the order of which was removed:—Held, that more than six months having elapsed since the making of the order, a fresh writ could not be issued, by reason of the statute 13 Geo. 2. c. 18. s. 5.

In this case, the Court having quashed the writ of *certiorari*, on the ground that the affidavits on which it had been obtained did not shew that the two Magistrates upon whom notices were served had been present at the sessions when the appeal was heard (see *ante*, p. 26.)

Pickering now moved for a new writ, pursuant to the former application, in Easter term, 1842, upon affidavits which stated that these Magistrates were actually present; that the respondents knew the fact; and that the delay between the hearing of the appeal at

the January sessions in 1842, and its final settlement in June 1843, had arisen from the obstacles raised by the respondents themselves. He contended that the provisions of the statute 13 Geo. 2. c. 18. s. 5, which directs that a writ shall not issue, "unless such *certiorari* be moved or applied for within six calendar months next after the making of the order complained of, had been complied with by the parties having moved or applied for the prior writ which had been quashed; that there was only one condition imposed by the act, and that was, that a motion should be made within the period prescribed, and that the writ might issue at any time; that in *The King v. the Justices of Sussex* (1) no application had been made within six months, and that the same observation was applicable to *The King v. Bloxam* (2), and the various other cases in which the writ had been quashed upon the ground of its being after the prescribed period; that if the application was made within the six months, the writ might issue after their expiration. It was to be inferred from the observation of Coleridge, J., "Suppose the application is made in time, but the Judge takes time to consider, and grants the application after the six months are expired," in *The Queen v. the Inhabitants of St. Mary, Whitechapel* (3), that this case differed from *The King v. Rattislaw* (4), inasmuch as there one of the Justices served was not present, and it was not necessary to decide this point; that though the general rule of practice in this court was, according to *The Queen v. the Manchester and Leeds Railway Company* (5), that a party would not be permitted to succeed on a second application, who had previously applied for the very same thing, without coming properly prepared, yet that such rule was not inflexible; and that the facts of this case would justify this Court in allowing a deviation from the general practice. There had been no laches on the part of the appellants. The affidavit on which the former writ had been obtained was in

the usual form, and it was the first time that such an affidavit had been decided to be bad.

PATTESON, J. said, that he would confer with the Judges who had heard the question of the validity of the prior writ discussed; and, on the following day, delivered the following judgment:—I have consulted with the other Judges, and we are all of opinion that you cannot by any possibility attach the former proceeding to this motion. We must, therefore, consider you as now making a new application, which, not being within six months, is insufficient to satisfy the terms of the statute. The only mode by which any other conclusion could be arrived at is, by supposing the application to have been made within the six months, and the writ to issue upon that application, after their expiration; but in order to do this, we must say, that the original motion is in some way connected with the present one. We cannot, however, do that, for the original motion was made on an insufficient foundation; it consequently failed, and having failed it is gone altogether.

Rule refused.

1843. }
Nov. 23. } THE QUEEN v. WILLIAM BURNBY.

Indictment—Perjury under Customs Act—Jurisdiction.

Where the Court of Queen's Bench will not quash or stay proceedings on an indictment, if there is no obvious defect upon the face of the indictment.

By 3 & 4 Will. 4. c. 51. s. 29, a party making a false oath before a Surveyor General of Customs, on any inquiry before him relating to the Customs, shall be deemed guilty of perjury, and liable to the pains and penalties to which persons are liable for perjury. And by 3 & 4 Will. 4. c. 53. s. 112, no indictment shall be preferred, or suit commenced for the recovery of any penalty or forfeiture under that or any other act relating to the Customs or Excise, unless such suit shall be commenced in the name of the Attorney General, or unless such indictment shall be preferred under the direction of the Commissioners of Excise.

(1) 1 Man. & Selw. 63.

(2) 1 Ad. & El. 386; s. c. 3 Law J. Rep. (n.s.) M.C. 115.

(3) 12 Law J. Rep. (n.s.) M.C. 85.

(4) 5 Dowl. 539.

(5) 8 Ad. & El. 413; s. c. 8 Law J. Rep. (n.s.) Q.B. 66.

A party was indicted under the first-mentioned act for perjury committed before a Surveyor General of Customs, and it was not averred in the indictment, that the Commissioners had given directions for its being preferred, but it was negatived by affidavit that any such directions had been given;—the Court, nevertheless, refused to interfere, at the instance of the defendant, either by quashing the indictment, or by staying the proceedings.

The indictment stated, in the first count, that one S. P, before &c., was a person employed in her Majesty's Customs, and had been and was charged by and at the instance of the Commissioners of her Majesty's Customs, (amongst other things,) with having in his capacity as baggage officer, at Freshwater, in the year 1840, knowingly and in violation of the trust confided in him, passed under its real value a wardrobe belonging to W. Burnby, landing waiter, the said charge being a charge relative to and concerning the Customs; and that a certain examination and inquiry was in due manner instituted, taken, and made before W. R. W, one of the Surveyors General of her Majesty's Customs, touching and concerning the said charge, and touching and concerning the conduct of the said S. P; and that upon such examination, one William Burnby was produced, and did appear as a witness touching and concerning the matters of the said inquiry, and was examined as a witness, and was duly sworn, &c., before the said R. P. W, he, the said R. P. W, so being such Surveyor General, as aforesaid, having lawful and competent power and authority to administer the said oath to the said William Burnby.—[The indictment then assigned perjury in the usual manner, on certain evidence given by Burnby, as to the value of the wardrobe.]

The second count alleged, that an inquiry was instituted before the said W. R. W, touching and concerning the conduct of S. P, as an officer and person employed in her Majesty's Customs, upon certain matters and charges relative to the Customs before then complained, and brought against him, the said J. P, by and on behalf of the Honourable Commissioners of her Majesty's Customs, and for ascertaining the truth of the facts in relation thereto, and that upon

the last-mentioned inquiry, the said W. Burnby appeared and was examined, &c., and took his corporal oath, &c., the said last-mentioned oath being then and there administered to the said W. Burnby, by the said W. R. W, so being such Surveyor General as aforesaid, and having lawful and competent power and authority to administer the said last-mentioned oath, and contained similar assignments of perjury.

At the Sittings at Guildhall, after Trinity term, before the jury were sworn, it was objected, that though the statute 3 & 4 Will. 4. c. 51. s. 29. (1) gave the Surveyor General power to administer an oath, and made persons taking a false oath guilty of perjury; yet that the statute 3 & 4 Will. 4. c. 53. s. 112. (2) made it necessary that

(1) Which enacts, "That upon examination and inquiries made by any Surveyor General of Customs or any Inspector General of the Customs, for ascertaining the truth of facts relative to the Customs, or the conduct of officers or persons employed therein, and upon the like examinations and inquiries made by the collector or comptroller of any out-port in the United Kingdom, or of any port in the Isle of Man, or made by any person or persons in any of the British possessions abroad, appointed by the Commissioners of his Majesty's Customs, to make such examinations and inquiries, any person examined before him or them as a witness, shall deliver his testimony on oath, to be administered by such of the surveyors general, or such of the inspectors general, or such collector and comptroller, or such person or persons as shall examine him, and who are hereby authorized to administer such oath; and if such person shall be convicted of making a false oath, touching any of the facts so testified on oath, or of giving false evidence on his examination on oath, before any of the Surveyors General or Inspectors General of the Customs, or such collector or comptroller, or such person or persons in conformity to the directions of this act, every such person so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury."

(2) Which enacts, "That no indictment shall be preferred, or suit commenced, for the recovery of any penalty or forfeiture, under this or any other act relating to the Customs or Excise, (except in the cases of persons detained and carried before one or more Justices, in pursuance of this act,) unless such suit shall be commenced in the name of his Majesty's

either the proceedings should be in the name of the Attorney General or the consent of the Commissioners of Customs should have been obtained previously to instituting it. The record having been withdrawn,—

The Attorney General in this term obtained a rule nisi on behalf of the defendant, for quashing the indictment, on the ground that it did not appear that it had been preferred with the sanction of the Commissioners of Customs, and also on the affidavit of the assistant secretary of the Commissioners, that in his belief no order for the prosecution had been made by them.

Cockburn, Montagu Chambers, and Poulton shewed cause.—First, the Court will not, at the instance of the defendant, quash an indictment for matter not appearing on the face of it. No case can be found in which this has been done. In *The King v. Belton* (8), Holt, C.J. refused to quash an indictment for pulling down fences, and observed, "That the defendant might as well move to quash a declaration without pleading to it." And in another case, referred to in the report, the same Chief Justice said, "We never quash indictments for forgery, perjury, &c." So *The King v. Johnson* (4), *Com. Dig.* 'Indictment,' (H). Secondly, the 112th section of 3 & 4 Will. 4. c. 53, does not apply to this case, but only to proceedings for penalties and forfeitures. Lastly, the assent of the Commissioners need not be alleged, nor would such an allegation be traversable.

Attorney General, or in the name of the Lord Advocate of Scotland, or unless such indictment shall be preferred, under the directions of the Commissioners of his Majesty's Customs or Excise, or unless such suit shall be commenced in the name of some officer of Customs or Excise, under the direction of the said Commissioners respectively."

Section 113. enacts, "That if any prosecution whatever shall be commenced for the recovery of any fine, penalty, or forfeiture incurred under this or any other act relating to the Customs or Excise, it shall be lawful for His Majesty's Attorney General, if he is satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it is inexpedient to proceed in the said prosecution, to stop all further proceedings by entering a *nolle prosequi*, or otherwise."

(8) 1 Salk. 372.

(4) 1 Wils. 325.

Sir F. Pollock (Attorney General), The-siger, J. Jervis, and F. Pollock, contra.—The rule is drawn up in the alternative, either to quash or to stay proceedings. If it is clear that the consent of the Commissioners has not been given, then the proceedings can lead to no result, and the Court will stay them. The case comes within the letter of the 112th section of 3 & 4 Will. 4. c. 53. It is said, that this is not an indictment for a penalty or forfeiture under the act; but that section must be read so as to apply to all indictments under the act, and as if a stop were after the word "preferred," and another after "forfeiture," the words "penalty" and "forfeiture" referring only to the word "suit." That must obviously be the intention of the act, as penalties and forfeitures are not generally recoverable by indictment, and under this particular act (section 75), the mode of recovering them is by action or information.

[WIGHTMAN, J. referred to section 53, by which persons making signals to smuggling vessels are liable to a fine of 100*l.*, on indictment or information.]

Even in that case, the indictment would not be for the penalty, but for the offence. Then the consent of the Commissioners should be averred in the indictment, or, at all events, proved at the trial. In this case, it is clear, that it could not be proved, as they gave no such consent.

[WIGHTMAN, J.—The 112th section embraces both Customs and Excise, which is not the case with section 75.]

The Court will interfere to prevent collusion; and this prosecution is, no doubt, defended by the Commissioners.

[COLERIDGE, J. referred to section 116, by which it is enacted, that the averment that the Commissioners have directed proceedings to be instituted shall be sufficient, without proof of the fact, unless the defendant shall prove the contrary.]

That had not before been adverted to, but it would go to shew the necessity of the averment.

LORD DENMAN, C.J.—I think that there are insurmountable difficulties against making this rule absolute. In the first place, I am not by any means sure that the general words in the 112th section of 3 & 4 Will. 4. c. 53. apply to a case of this description.

Where a party has committed perjury before the Surveyor General, a power to indict is given by the earlier act, and this is sought to be controuled by the terms of a subsequent act. My opinion is, that the words of the latter section do not apply to indictments for perjury, but to offences against the Customs and Excise laws. But, again, supposing that they do apply, still I doubt whether it would be essential that it should appear on the face of the indictment that the Commissioners directed the indictment to be preferred. If it were essential that it should so appear, the omission would be a ground for arresting the judgment. Then, as to staying the proceedings, the same difficulties again recur, and we should be deciding a matter which ought, I think, never to be dealt with in this summary way. Then there is some degree of discretion to be exercised in a matter of this kind; and I am not prepared to say that if the act applied to the case, that I should be prepared, as a matter of discretion, to grant the application. No conspiracy or collusion is suggested. If a case of that kind were made out, it might be well to interfere, but even in that case the Attorney General would have the power of entering a *nolle prosequi*. It has been remarked, that the Attorney General ought to be loth to interpose. I agree; but if that be so, does not the remark apply with tenfold force to the application to this Court? We are bound to see that justice is done. I indeed granted the rule with some reluctance, and have no hesitation in saying, that hardly any case could be laid before me, on affidavit, sufficient to induce the Court to exercise powers which it appears the legislature intended to lodge in the hands of the Attorney General. The defendant then, if he is in the right, should make that appear in such a course of proceeding as may bring him within the act. The rule must be discharged.

WILLIAMS, J. — Assuming that the defendant requires and deserves protection, is it to be had at the hands of the Court? It is said that the perjury here was committed under peculiar circumstances, and before a party who, but for the act, would have had no power to administer an oath: that may be true, yet it does not follow that signal and malignant perjury might not be

committed under such circumstances. Why then should the Court interfere, when by the very argument, it is conceded, that if the powers given by the act are abused, the Commissioners might apply to the Attorney General to stay the proceedings? I think that this Court should not interfere.

COLERIDGE, J. — This is an indictment for perjury. Without going into the particular acts of parliament, thus much must be admitted, that the Court will not interfere to stay proceedings, so long as there is a particle of doubt as to the propriety of so doing. Now, is not this a case of doubt? It is contended, that the case is within the 112th section of the latter act, 3 & 4 Will. 4. c. 53. Upon that point I am inclined to agree with the Attorney General; but I feel great doubt on the second question, namely, whether there is any necessity that the assent of the Commissioners should appear by averment. It is important to remark that no injustice can be done by our refusal to interfere. If the assent of the Commissioners is by law a condition precedent, then the party indicted must have some way of availing himself of the omission to get such consent, without the interposition of the Court. At all events, if the law has put the power of interfering in the hands of the Attorney General, there is no necessity for our interference.

WIGHTMAN, J. — The offence here charged might not only relate to the Customs, but might most materially affect the rights of third persons. I can conceive cases where the power of interference might be most material, even where the Excise or Customs alone was concerned; but it may be so in all cases where the rights of the public are concerned. The arguments used in support of the rule would apply equally to a case of forgery under sect. 27, and it might be that such forgery would be most prejudicial to the interest of third parties. Can we hold that an indictment under that section might be immediately stopped on summary application?

Rule discharged, without costs.

1843. } THE QUEEN v. FEARGUS O'CONNOR AND OTHERS.
June 7. }

Indictment—Venue.

A count in an indictment for misdemeanour, with the venue "Lancashire" in the margin, stating that certain unlawful assemblies were held by evil-disposed persons at "divers places," and that the defendants, "at the parish aforesaid, in the county aforesaid," unlawfully aided and abetted the said evil-disposed persons:—Held good on motion in arrest of judgment, the "want of a proper or perfect venue" (no place being stated where the unlawful assemblies were holden) being cured by the 7 Geo. 4. c. 64. s. 20. -

A count, stating that the defendants, together with other evil-disposed persons, &c., unlawfully did endeavour to excite Her Majesty's subjects to disaffection, &c., no place being stated,—Held bad on motion in arrest of judgment, there being no words of reference to the venue in the margin, and the defect not being cured by the said statute.

Misdemeanour. The defendants were tried, before Rolfe, B. at the Liverpool Summer Assizes, 1843, on the following two counts (being the fourth and fifth) of an indictment preferred against them. All the defendants were convicted on the fifth count; on the fourth, Feargus O'Connor and some others were acquitted, Macdowall and the remainder convicted.

Fourth count. Lancashire to wit. And the jurors aforesaid, upon their oath aforesaid, do further present, that heretofore, to wit, on the 1st of August in the year aforesaid, and on divers other days and times between that day and the 1st of October in the year aforesaid, and at divers places, divers evil-disposed persons unlawfully and tumultuously assembled together, and by violence, threats, and intimidation to divers other persons, being then peaceable subjects of this realm, forced the said last-mentioned subjects to leave their occupation and employments, and thereby impeded and stopped the labour employed in the lawful and peaceable carrying on by divers large numbers of the subjects of this realm of certain trades, manufactures, and businesses, and thereby caused great confusion, terror, and alarm in the minds of the peaceable subjects of this realm; and that afterwards, on the

1st of August in the year aforesaid, and on divers other days and times, between that day and the 1st of October in the year aforesaid, at the parish aforesaid, in the county aforesaid, the said defendants, &c., together with divers other evil-disposed persons to the jurors aforesaid as yet unknown, did unlawfully aid, abet, assist, comfort, support, and encourage the said evil-disposed persons in this count first mentioned, to continue and persist in the said unlawful assemblings, threats, intimidations, and violence, the said impeding and stopping of the labour employed in the said trades, manufactures, and businesses, with intent thereby to cause terror and alarm in the minds of the peaceable subjects of this realm, and by means of such terror and alarm violently and unlawfully to cause and procure certain great changes to be made in the constitution of this realm, as by law established, against the peace of our said Lady the Queen, her crown and dignity.

Fifth count. And the jurors aforesaid, upon their oath aforesaid, do further present, that the defendants, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, afterwards, to wit, on the 1st day of August in the year aforesaid, and on divers other days between that day and the 1st of October in the year aforesaid, unlawfully did endeavour to excite Her Majesty's liege subjects to disaffection and hatred of her laws, and unlawfully did endeavour to persuade and encourage the said liege subjects to unite, confederate, and agree to leave their several and respective employments, and to produce a cessation of labour throughout a large portion of this realm, with intent and in order by so doing to bring about and produce a change in the laws and constitution of this realm, and against the peace of our said Lady the Queen, her crown and dignity.

Upon being brought up to receive the judgment of the Court, in Easter term (May 4), a motion in arrest of judgment was made on behalf of the several defendants who had been convicted upon the above counts, by—

Dundas, Murphy, Serj., Bodkin, and Atherton.—They contended, both with regard to the fourth and fifth counts, that they were bad in law, as no special venue was stated in the body of those counts, and that

a statement of time and place was necessary to every material fact, in order to shew jurisdiction both to find and try the offence. They contended, also, that these defects were not cured by verdict under the 7 Geo. 4. c. 64. s. 20. The following authorities were referred to:—*Com. Dig.* 'Indictment,' G, 2, *The King v. Hart*(1), *The King v. Hollond*(2), *The Queen v. Peck*(3), *The Queen v. Rowed*(4), *The King v. Haynes*(5), and *The King v. Mathews*(6). Several other objections were also taken to the fourth count, the principal of which were, that there was no sufficient description of the nature of the acts of "aiding and abetting;" that it was not stated that the offences, which the defendants were there charged with aiding and abetting, were committed within the jurisdiction of the Court; that the divers evil-disposed persons mentioned in the first part of the same count, were not described by name, nor as "to the jurors unknown;" and that it was uncertain whether it charged the defendants as inciting others to the commission of an offence, or with participation in an offence.

Rule nisi.

On May 26, *The Attorney General* (Sir F. Pollock), *The Solicitor General* (Sir W. F. Follett), *Wortley*, Sir G. Lewin, *Waddington*, J. Hildyard, and F. Pollock, shewed cause.—As to the fourth count, the venue is correctly stated, because the unlawful assemblages, which the defendants are charged with aiding and abetting, might have taken place anywhere. The material part of the charge, to which time and place must be attached, is the aiding and abetting. The defendants might have "aided and abetted" within the jurisdiction of the Court, in the county of Lancaster, an offence of tumultuous assembling, with the intent laid in the indictment, which was actually committed out of Lancashire. In *East, P.C.* 780, it is said to have been "expressly decided" in *Stott's case*, that an indictment for receiving need not allege time and place as to the fact of

stealing the goods; it is sufficient if they be alleged to the fact of the receiving. But, at all events, the defect, if any, is cured by the 7 Geo. 4. c. 64. s. 20, which provides that no judgment for felony or misdemeanour shall be arrested "for want of a proper or perfect venue, where the Court shall appear, by the indictment, to have had jurisdiction over the offence." As to the fifth count, the objection is, that no venue at all is stated: but the venue is apparent from the margin; and although there are no words of reference expressly connecting the material facts with it, yet this, again, is only the want of a "proper or perfect" venue; and inasmuch as it appears, by the venue stated in the margin, that the Court had jurisdiction over the offence, it is cured by the same statute. If not, it is impossible to assign to the provision of the statute any definite meaning at all. *The King v. Hart* is no authority to the contrary, for the question now is, whether such defect can be cured after verdict.

[PATTESON, J.—That does not appear a substantial distinction between the cases.]

Since the 4 Anne, c. 36. s. 6, it has become sufficient to lay a county for a venue—*Ware v. Boydell*(7), and *The King v. Burdett*(8); and in civil cases, at all events, it is clear that the venue in the margin indicates the county where the act is done: the mere want of words of reference to that venue may, therefore, be holpen by the statute as an "imperfect" venue. *The Queen v. Mitchell*(9) is not applicable; a wrong jury had been summoned in that case—*Skinner v. Gunton*(10), *Tyson v. Paske*(11), and *Mellor v. Barber*(12). In *Duncan v. Passenger*(13), the word "there" was held, on special demurrer, to import a reference to the county in the margin. The 6 Geo. 4. c. 51. s. 13. having rendered the coming of jurors from particular hundreds unnecessary, the allegation of county in the margin can have no meaning, unless it be considered as an "imperfect" venue. When

(1) 6 Car. & Pay. 123.
 (2) 5 Term Rep. 620.
 (3) 9 Ad. & El. 686; s. c. 8 Law J. Rep. (n.s.) M.C. 22.
 (4) 2 Gale & Dav. 518; s. c. 11 Law J. Rep. (n.s.) M.C. 74.
 (5) 4 Mau. & Selw. 214.
 (6) 5 Term Rep. 162.

(7) 3 Mau. & Selw. 148.
 (8) 4 B. & Ald. 95.
 (9) 2 Gale & Dav. 274; s. c. 11 Law J. Rep. (n.s.) M.C. 55.
 (10) 1 Saund. 228, c.
 (11) 2 Lord Raym. 1213.
 (12) 3 Term Rep. 387.
 (13) 8 Bing. 355; s. c. 1 Law J. Rep. (n.s.) C.P. 104.

the jurors of a certain county have found that an offence has been committed, it must be taken to have been committed in that county.—[Counsel for the Crown proceeded to argue the other objections taken to the fourth count.]

On the 3rd of June—

Erle, Dundas, Baines, Murphy, Serj., Bodkin, and Atherton, supported the rule.—First, as to the fourth count. The want of allegation of place to the principal offence is a good objection to a count in substance, as unless it appears that the principals committed an indictable offence, the aiders and abettors are accessory only to an innocent act. Here, the acts charged against the principals may have taken place beyond Her Majesty's dominions. It is stated on the part of the Crown, that it is sufficient if the principal offences were committed within the realms of the Queen. This count does not shew that they were, and it is therefore bad for want of a proper averment of place—*Com. Dig.* 'Indictment,' (G) 2, *Hawk. P. C.* lib. 2. c. 25. s. 83, *The King v. Holland, The King v. Haynes, Collins v. Goldsmith* (14), *Hamond's case* (15), *The King v. Yarrington* (16), *The King v. Connop* (17), 3rd *Burn's Justice*, 383, (by D'Oyley and Williams), where this passage occurs: "In bigamy the indictment was found in Middlesex, and stated the first marriage to have taken place in the county of —, and the second marriage in the county of —, and at the conclusion it stated, 'And the jurors aforesaid, &c. further say, that the said J. J. F. was apprehended on the — day of — at —,' leaving a blank for the place. Judgment being respited after conviction, the Judges held unanimously that the indictment was bad, for the Middlesex grand jury on the face of it had no jurisdiction. Hilary term, 1834. *The King v. J. J. Fraser*, cor. Arabin, Serj., O. B. September Sessions, 1833. MS."

[COLERIDGE, J. referred to *The King v. Helsham* (18).]

This objection is not answered by analogy

to what is cured by verdict under the Statutes of Jeofails: those statutes are confined to civil matters. Nor does *The King v. Fuller* (19) shew, that the statement of the principal offence is an immaterial fact, as in that case the indictment was upon a statute which made the mere endeavour to incite a felony, and it was not therefore necessary to state the means used. In *The King v. Stott* (20), no direct decision appears to have been given as to the necessity of stating time and place. The stat. 5 Ann. c. 31. s. 5. assumes, that there has been a stealing, and then creates the offence of receiving. There would also be a continuing larceny in the thief, though he has the goods in several counties, until he hands them over to the receiver. The defect of sufficient allegation of time and place is not cured by the stat. 7 Geo. 4. c. 64. s. 20. This is not merely the "want of a proper or perfect venue," but there is an absence of any venue to a material statement. The principal offence, which is an essential fact, is laid wholly without venue, though the act of the accessories has a venue attached to it. It cannot be contended, that all allegation of the venue, upon which the jurisdiction to inquire and try depends, can be dispensed with. The venue in the margin, "Lancashire, to wit," will not cure this error. Both the nature of the offence and the place where committed must be shewn in order to give jurisdiction. The marginal venue refers to the presentment of the jurors, not to the offence; and the mention of place in the body of the indictment will not refer to the county in the margin, though it may be otherwise in civil cases—*The Queen v. Rhodes* (21), *Anonymous case* (22), *The King v. Burridge* (23), *The King v. Kilderby* (23), and the cases there cited. *The King v. Hart* is admitted to be in point; and although in that case the objection was taken at the close of the case for the prosecution, yet it was evidently treated as if it had been taken after verdict. Then as to the fifth count. That count has no venue even in the margin, nor is any place mentioned in the body. A total omission of venue is

(14) 1 Bulst. 205, n.

(15) Cro. Eliz. 751.

(16) 2 Keble, 302.

(17) 4 Ad. & EL 942.

(18) 4 Car. & Pay. 394.

(19) 1 Bos. & Pul. 180.

(20) 2 East's Pl. Cr. 753, 780.

(21) 2 Ld. Raym. 886.

(22) Ibid. 1304.

(23) 3 P. Wms. 496.

(24) 1 Saund. 308, n. 1.

much more than an improper or imperfect venue. To the latter only the statute has reference. That requires as a condition precedent to any defect being cured, that it shall appear by the indictment itself that the Court has jurisdiction over the offence—*Ogle's case* (25), nor can the caption give assistance in this respect—*Faulkner's case* (26).

Cur. adv. vult.

LORD DENMAN, C.J. now delivered the judgment of the Court.—The Court have considered the case of *The Queen v. Feargus O'Connor*, with reference to the objections arising on the venue. None is stated in the fifth count, and it is plain, that at common law the count is on that account bad. Every material fact must be stated with time and place, in order that it may appear that the grand jury had jurisdiction to find the bill, and also that it may be known whence the petty jury are to come, who are to try the case. This is laid down in all the books and the authorities cited at the bar. Indeed, it was hardly contended, on the part of the Crown, that this count could be supported at common law, as it contained no venue in itself, nor any words of reference to the venue in the margin, to which therefore the facts stated in the fifth count cannot be referred, according to the distinction hereafter mentioned. Recourse is then had to the statute of the 7 Geo. 4. c. 64. s. 20, which enacts, that no judgment after verdict, or confession or default, shall be stayed for want of a proper or perfect venue, provided it shall appear by the indictment that the Court had jurisdiction over the offence. Now, whether the total omission of the venue can be considered as cured by those words, or whether they are to be confined to cases where some venue is stated, but improperly or imperfectly, in either case the condition on which that remedy for the defect of venue is given by the 7 Geo. 4. is, that it shall appear by the indictment that the Court had jurisdiction over the offence. If this means local jurisdiction, the fifth count does not shew it; for no place is mentioned in the body of it, and we cannot, as already stated, import into it for this purpose the county noted in the margin, as has been done

in civil actions. To hold this would be to say, as was undoubtedly said by the Solicitor General, that whenever a grand jury of any county whatever, has found a bill of indictment for a crime cognizable under the commission, a trial which takes place upon it in that county must be good after verdict, although the indictment may not shew the Court to have any local jurisdiction over the offence, on which condition alone the defect is cured by the statute. The argument drawn from the 16 & 17 Car. 2. c. 8, and the 4 Ann. c. 10. was, that as in civil actions the total omission of the venue is cured by the first of those acts, under the words "for want of a right venue," so the total omission of the venue in criminal cases will be cured under the 7 Geo. 4, which uses the words "for want of a proper or perfect venue." But the defect cured in civil actions is not the total omission of the venue, but a wrong venue; and it is cured by the statute of Charles, if the case was tried by a jury of the proper county where the action is laid. The action in every civil case is laid in the county stated in the margin, and if the trial took place in that county, the condition is fulfilled. By the 4 Ann. the remedy is extended to cases of judgment by default: all the defects which would have been cured by any of the Statutes of Jeofails, in case the verdict of twelve men had been given in such action, being expressly cured by the second section of the statute. To bear any analogy to this statute, the 7 Geo. 4. should have cured the defect of venue when the case was tried by a jury of the county in which the indictment is preferred. The venue in the margin may shew this, but certainly does not make the indictment shew, that the Court had jurisdiction to try the offence unless it be specially referred to in the body of the indictment. The distinction between civil and criminal cases in this respect, is found in *Tyson v. Paske*, in *Lenthal's case* (27), *The King v. Burridge*, *The King v. Fosset* (28), there cited, and numerous other cases which were quoted at the bar. It has been established in such a variety of cases, that it is impossible for this Court to overrule them. It follows, that the Court cannot connect the body of the indictment with the margin in this case, for want of

(25) 2 Hale's Pl. Cr. 180.

(26) 1 Saund. 249.

(27) Cro. Elis. 137.

(28) 3 P. Wms. 497.

such special reference; that it does not appear by the indictment, that the Court, where the indictment was found, had jurisdiction; and that the defect is not cured by the statute of the 7 Geo. 4. c. 64. The Court has considered, whether the statute of the 7 Geo. 4. may not admit of a different and wider meaning: namely, that the offence shall appear to be of such a nature that the Court has authority to try it; and a strong argument in favour of this construction arises from the apparent impossibility of giving effect to the words in any other manner. But we are satisfied that such is not the case, and are convinced that defects of venue are not intended to be cured, unless the jurisdiction of the Court in respect of locality is made to appear. One consideration indeed is decisive on this point. Persons accused might be punished for offences committed in another realm, if the quality of the offence alone gave jurisdiction. This clearly was not intended. Mr. Dundas referred to a case reported, not quite correctly, in the last edition of *Burn's Justice*; it is also reported in the 1st of *Moody's Crown Cases*, 407, *Fraser's case*. We have before us that very case (in which the opinion of all the Judges was taken), and a copy of the indictment itself. The prisoner was tried for bigamy at the Old Bailey in 1833. The first marriage was alleged to have been contracted in Kent, and the second in Surrey; he was alleged to have been apprehended on a day named, but of the place or county at which he was apprehended no mention was made. The conviction was held bad, the felony being proved in Surrey, while the venue in the margin was Middlesex, but no one suggested that Middlesex could be drawn from the margin into the body of the averment of his apprehension, although that would unquestionably have cured the defect; nor was it suggested that the Court appeared by the indictment to have jurisdiction over the offence of bigamy, which would have cured the defect, if the statute could apply to the nature of the offence, and not to the place where it was committed, or where the prisoner was apprehended. The objection on the score of omitting local venue, is not merely technical, but real and important; for the allegation of material facts, as occurring in a particular county, is not only that which authorizes the grand

jury to entertain the bill of indictment, but is also the warrant for the sheriff to summon the petty jury, who must pass between the Crown and prisoner. The trial of witnesses for perjury would be embarrassed, and justice defeated, if the jury should appear to have been impanelled to try without authority. To make the act of trying confer the right would be a change so violent, that we cannot believe it to have been intended by the legislature. Upon the whole, we are of opinion, that the judgment on the fifth count must be arrested. An objection was also taken to the fourth, on the score of the venue; a material fact being alleged without place. *Stott's case* was thought, on the part of the Crown, to bear directly on this doctrine, and it was not successfully distinguished by the defendants in the argument; but the Master of the Crown Office has found the paper book in that case, on which Mr. Justice Ashurst took his note of the argument, conducted by Lord Abinger on the one side, and the late Mr. Justice Vaughan on the other, in Michaelmas term, 1798. The indorsement of that learned Judge intimates, that the case stood for further argument. The prisoner was convicted in April, and then sentenced to twelve months imprisonment, more than half of which had expired before the argument, and there is every reason to believe that Sir Edward East was mistaken in reporting that case as decided; and he himself intimates, indeed, that if there was an error in the sentence, it would possibly be amended, by being changed to transportation for fourteen years: a strong reason for not pursuing the argument much further. We think, however, that here the 7 Geo. 4. c. 64. s. 20. applies a remedy, as the conduct imputed as criminal to the defendants is stated with a venue. The count states the fact of unlawful assemblies having taken place at divers places, without stating where; but such statement is introductory only to the charge against the defendants, which is, the aiding and assisting persons to continue the said assemblies; and the aiding and assisting is laid to have been in the county of Lancaster. The count, therefore, has a venue, although an imperfect one, because the material facts in the early part of it are without place; but the part which charges the defendants with the offence, has a venue, and refers to the former part of the count,

which former part, therefore, may fairly be considered to have an imperfect venue; and as the offence itself is laid with a proper venue, it appears by the count, that the Court had jurisdiction; and that is the very case contemplated by the statute.

The Court consequently directed a further day for argument, on the part of the defendants, as to the other objections taken to the fourth count, which was had accordingly in the same term: but judgment has not yet been given.

Judgment arrested on the fifth count.

BAIL COURT. } *Ex parte* THE OVERSEERS OF
1843. } THE TOWNSHIP OF ACK-
Nov. 22. } WORTH.

Appeal—Order of Removal—Mandamus—Sessions.

Where the Sessions have jurisdiction over an appeal against an order of removal, and, having quashed the order, make a special entry on their records, "quashed, not on the merits," this Court will not interfere, and direct a mandamus to erase such entry, although the order was quashed on an objection which went to the merits.

The examination on which an order of removal was founded, set forth a prior order of removal to the appellant township, which had been suspended, but did not shew that the former order had been served, or the pauper removed. The appellants stated, as a ground of objection, that the examination was bad on the face of it, for not shewing these facts:—Held, that a decision by the Sessions that this objection was valid, was a decision on the merits of the settlement.

The ground of removal of the pauper, alleged in the examination, in this case, was a prior order between the same townships, unappealed against. There was, however, no statement that the pauper had been removed, or the prior order had ever been served; and it also appeared that it had been suspended. The appellants objected, that the examination was bad on the face of it, inasmuch as it shewed no ground for the present order, and also denied the facts.

When the case came on to be heard, at the last Sessions for the West Riding of Yorkshire, the Justices held, that the first

objection was fatal, and expressed their intention to quash the order; but upon the interference of one of the two Magistrates who had made the order, they inserted on their records an entry that it was quashed "not on the merits." This entry was protested against by the appellants, who then offered to go into the facts, but the Sessions refused to hear them.

Pashley now moved for a mandamus to the Justices, either to erase the entry, or to hear the appeal. It is clear, that the decision on this objection was as much a decision on the merits of the settlement, as if the respondents had gone into the case, and had failed, before the recent statute, to establish the fact that notice of the prior order had been given to the appellants, or that the pauper had been removed—*The Queen v. Clint* (1), *The Queen v. the Justices of the West Riding* (2), *The Queen v. Church Knowle* (3), *The Queen v. Evenwood and Barony* (4), *The Queen v. the Justices of Middlesex* (5). Then the appellants ask the Court to do nothing more than it usually does—*The King v. the Justices of Devon* (6). Although this Court will not compel the Sessions to make a special entry, yet when what they have done would operate as a conclusive barrier against the hearing of the case on a future occasion—*The King v. Wick St. Lawrence* (7), this Court will direct it to be erased.

[*PATTESON, J.*—Suppose there was merely a general entry, then the respondents might shew, at a future day, the real ground for the decision; and if the Justices held that a decision on such an objection was not a decision on the merits, we could not interfere. How, then, can I now do so?]

The Court never assumes that Magistrates will act contrary to the law; and this being a decision on the merits, the Court must consider that the Justices will come to

(1) 11 Ad. & El. 624; s. c. 10 Law J. Rep. (N.S.) M.C. 151.

(2) 10 Ibid. 685; s. c. 9 Law J. Rep. (N.S.) M.C. 57.

(3) 7 Ibid. 471; s. c. 7 Law J. Rep. (N.S.) M.C. 4.

(4) 12 Law J. Rep. (N.S.) M.C. 101.

(5) 11 Ad. & El. 809; s. c. 9 Law J. Rep. (N.S.) M.C. 59.

(6) 1 Chit. Rep. 34.

(7) 5 B. & Ad. 526; s. c. 3 Law J. Rep. (N.S.) M.C. 12.

that conclusion. As to the power of the Court to make such an erasure, *The Queen v. the Justices of the West Riding of Yorkshire* (8) is precisely in point. The cases in which this Court has compelled the Sessions to make entries on their records of matters which have never actually occurred,—*e. g.* continuances,—are much stronger instances of the controuling power of this Court than the present would be.

Cur. adv. vult.

PATTESON, J.—In this case, it appeared that the examination on which the order of the Magistrates was founded, shewed no ground for the removal of the pauper. It set forth, as the ground, a prior order of removal to the appellant parish, unappealed against, which, it alleged, had been suspended; and there was no statement contained in it shewing that it had ever been served. The examination was, therefore, bad; and the Sessions, being of that opinion, decided that they would quash the order, with a special entry that it was quashed not on the merits. Considerable discussion then ensued, and an offer was made by the appellants to go into the case; but the respondents objected, that the appellants must abide by the decision of the Court already given. The Sessions refused to hear it; and thereupon an entry was made, that the appeal was quashed not on the merits. At first, I was inclined to think that the Sessions were right in doing this, and that a decision upon this objection was not a quashing on the merits. I am, however, now satisfied that my original impression was wrong. The cases of *The Queen v. the Inhabitants of Evenwood and Barony*, and *The Queen v. the Inhabitants of Charlbury* (9), have rightly decided, that where the examination omits some material facts, it is the same thing as if, on the hearing of the appeal, the parties had not brought evidence of such facts before the Court. I think the term “merits” is an unfortunate expression, and extremely likely to mislead. It is quite clear, therefore, that the Sessions were wrong in their decision; and then the question arises, whether this Court can direct the record to be amended. In *The Queen v. the Justices of the West Riding of Yorkshire*,

this Court certainly directed an entry of an appeal on the record of the Court of Quarter Sessions to be erased; and that case, it is contended, is an authority for this application; but there, the Court had originally possessed no power to make any entry at all. The Sessions had entered an appeal, in that case, on the motion of the respondents, and in the absence of the appellants, which they had no authority to do. They consequently had no jurisdiction, for the case was not properly before them. In this case, however, the appeal was properly entered, and the Court had jurisdiction over it, and they have decided it. How, then, can we compel them to re-hear a case on which they have decided? It may be true, that their decision is erroneous; but we cannot interfere with that. The law in such a case has provided no means of redress; for this court is not a court of error, to which appeals may be made from the Sessions. Whether upon any subsequent occasion the Magistrates will permit the appellants to contradict their record, by evidence that the former decision was, in fact, a decision on the merits, is a question which remains to be settled. The rule, however, now applied for must be refused.

Rule refused.

BAIL COURT. 1843. Nov. 22.	{	THE QUEEN v. THE JUSTICES OF THE WEST RIDING OF YORKSHIRE, in the matter of an appeal between THE INHABITANTS OF HARNLEY AND THE INHABITANTS OF ROTHWELL.
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Appeal, Notice of — Poor — Statute 22 Geo. 3. c. 28.

Where a parish is incorporated under 22 Geo. 3. c. 28, the notice of appeal must be signed by the guardian, and he must describe himself therein as such. It is insufficient that he should describe himself as an overseer.

The appellant parish had been incorporated under Gilbert's Act, 22 Geo. 3. c. 28, and the notice of appeal in this instance had been signed by the guardian. He was not, however, so described, but the notice purported to be signed by the churchwardens and overseers, and was actually signed by

(8) 12 Law J. Rep. (N.S.) M.C. 148.

(9) *Ante*, M.C. 19.

them also. Upon the trial of the appeal at the Sessions, it was objected that the guardian alone ought to have signed the notice, and that he should have described himself as guardian. This objection was successful, and the appeal was thereupon dismissed.

R. Hall now moved for a rule *nisi* for a mandamus to the Justices to enter continuances and hear the appeal.—The signatures of the churchwardens and overseers were superfluous, and did not vitiate the notice; it is the same as if an inhabitant, as well as the churchwardens and overseers, in an ordinary case, had signed. It is usual to procure their signatures, in order to obviate any question as to the validity of the appointment of the guardian, but if he be regularly appointed, their names are mere surplusage. There is also a doubt under section 7, whether the overseers ought not to be parties to the notice, for its terms only seem to apply to cases in which notices are to be given *to*, and not *by* the overseers, and for other purposes the guardian is declared only to be an overseer. The exclusive powers, too, of the guardian are confined to those matters which relate to the care and management of the poor, and there is an obvious distinction between them and the removal of paupers, or appeals against removals. The act also contemplated that notices of appeal would still be served on the overseers as the proper parties.

[*PATTESON, J.*—Upon the appointment of a guardian, the overseers cease to have any power. They can then do nothing. The direction to the overseers to hand over notices, affords no argument; it only applies to cases where ignorant people might deliver such matters to them.]

Then with regard to the other objection that the guardian was not so described, this was unnecessary, for the parties could ascertain what his authority was; and, at all events, he was described as an overseer, which character as guardian he is expressly stated to fill. The words are, that "he shall, to all intents and purposes, except with regard to the making and collecting of rates, be an overseer of the poor." The notice, therefore, sufficiently discloses his authority, and the capacity in which he signed it. The practice too has always been to include him under the general description of the heading, "We, the undersigned churchwardens and

overseers," at the commencement of the notice, and not to add any further description. The validity of such a notice, under these circumstances, is of considerable importance.

PATTESON, J.—It seems to me perfectly clear, that as soon as a guardian is appointed, the whole of the powers of the parish officers as to these matters become vested in him. This is in his capacity of guardian, and *quâ* overseer he has no authority. A notice of appeal ought, therefore, to be signed by him in his character of guardian; and if he omits to sign it as such, it is a blunder. The Sessions, I think, were quite right, and there will, therefore, be no rule.

Rule refused.

1843. } THE QUEEN v. LORD ASHBURTON AND OTHERS.
Nov. 23. }

Indictment—Amendment—Venue—Certiorari.

After an indictment has been preferred at the Central Criminal Court, and removed by certiorari into this court, and set down for trial at the sittings, having the venue such as is prescribed by 4 & 5 Will. 4. c. 36. s. 3, and no other, the Court will, by consent, order an amendment to be made in the venue, both in the margin and body of such indictment, in order to admit of its being tried by a London or Middlesex jury.

Erle had, in the present term, obtained a rule calling on the defendants to shew cause why a *procedendo* should not issue in this case, and the indictment be sent back to the Central Criminal Court, or why the indictment should not be amended by inserting a proper venue. It appeared that this was an indictment for a conspiracy which had been preferred at the Central Criminal Court in February 1842. The venue in the margin was "Central Criminal Court, to wit," and the material facts were alleged to have taken place within the jurisdiction of the said court, according to the provisions of 4 & 5 Will. 4. c. 36. s. 3. in that respect. The indictment had been removed by *certiorari*, and notice of trial had been given for the sittings after Easter term, 1842, and made a remanet at those sittings, and had

subsequently been postponed. The rule was obtained in consequence of the judgment in *The Queen v. Stowell* (1), in which it was held that an indictment found at the Central Criminal Court could not be tried by a Middlesex jury, without its being averred that the material facts had taken place within the county.

The Solicitor General and *Kelly* appeared for the defendants, and consented to any amendment being made to remove the objection, which the Court had power to order.

LORD DENMAN, C.J.—We are all clearly of opinion that this Court has power to order such an amendment to be made by consent, after the *certiorari* has issued.

Rule absolute.

1843. } THE QUEEN v. THE INHABIT-
Nov. 18. } ANTS OF WEST HOUGHTON.

Appeal—Notice, Sufficiency of—Special Case.

It is not an objection to a notice of appeal against an order of removal, that such notice does not mention the names of the Justices who made the order.

The Court of Quarter Sessions should not, in a special case, ask questions of the Court, with a view to a re-hearing of the case.

Upon an appeal against an order of removal, it was objected by the respondents that the notice of appeal was insufficient, because it did not state the names of the Justices who made such order. The Sessions thought the objection should prevail, and confirmed the order, subject to a case for the opinion of the Court upon the question, whether such notice was sufficient. If the Court should be of opinion that such notice was sufficient, the case to go back to the Sessions to be re-heard.

Baines, in support of the order of Sessions.

LORD DENMAN, C.J.—We do not wish to encourage the practice of asking questions of this Court with a view to a re-hearing

of the case by the Sessions; but in this instance we may say, that there is nothing whatever in the objection.

Case sent back to the Sessions.

1843. } THE QUEEN v. THE INHABIT-
Nov. 18. } ANTS OF STOKE-UPON-TRENT.

Hiring and Service—Evidence—Custom—Written Contract—Special Case.

Where a workman is hired for a year to work at a particular trade, under a written agreement, which says nothing as to any periods of absence allowed to the workman, parol evidence may be given that it is the custom of the particular trade for the workmen employed in it to take certain holidays, and to absent themselves on such occasions from their work without the permission of their masters.

The Sessions should not send up a case with a view to its being re-heard by them, but should decide both ways, provisionally.

Upon an appeal against an order of two Justices for the removal of Benjamin Tile, his wife, and three children, from the parish of Stoke-upon-Trent, in the county of Stafford, to the parish of Trentham, in the said county, the Sessions quashed the order, subject to the opinion of this Court on the following—

CASE.

The pauper's father was settled in the parish of Trentham. In the month of November 1815 the pauper was hired by and served Messrs. Bourne & Co., china-manufacturers, of Trentham, in the respondent parish, from the 11th day of November 1815, for nearly two years. After the pauper had been in the service some time, he signed a writing in a book, and which was also signed by other workmen, at different times, and was as follows:—
"Plate and dish workers. This day agreed with Ralph Bourne to serve Messrs. Bourne, Baker & Bourne, from the 11th of November next until the 11th of November 1817, at prices, good out of oven, as per opposite side: we agree to lose no time on our own account, to do our work well, and to behave

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(1) 12 Law J. Rep. (N.S.) M.C. 111.

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ourselves well in every respect as good servants. Witness our hands, the 10th day of January 1815." This writing was signed by none of the masters, but was always left in their custody. On the opposite side of the book was a statement of the prices to be paid for the making of the plates and dishes at per dozen. It was objected, on the part of the respondents, that the above writing was not a valid agreement, because it was not stamped, and not signed by the masters, but the objection was overruled, and the writing was read. On the part of the respondents, evidence was offered to shew that an universal custom prevailed amongst china-manufacturers to allow holidays at certain fixed times of the year to the platers and dishers, and that, at these times, the latter could, notwithstanding the above writing in the book, absent themselves from their work without their masters' permission. This evidence was objected to as inadmissible, and was rejected. The pauper was called by the appellants, and proved that he was hired by and served Messrs. Bourne & Co. for nearly two years, from the 11th of November 1815, as a plater; that during that period he had his Sundays to himself, doing no work on those days; that he absented himself from his work at Easter for two or three days, and at the wakes, and in August; and that, after these holidays, he returned to his work. The pauper also proved that he always had work of his masters' that he might have done on the play-days. On the part of the respondents, the following question was asked the pauper:—"At the time of the hiring or signing the book, was anything said as to the holidays or Sundays that you were to have to yourself?" This question was objected to, as being a contradiction of the terms of the writing in the book; also, the following question:—"Is it the custom of persons employed in the trade of dish and plate makers, under such a contract as this, to have certain holidays in the course of the year, and the Sundays, to themselves?" This question was objected to, on the ground that evidence of the custom of the trade was inadmissible. The objections to both the questions were allowed by the Court. The questions for the opinion of the Court were—First, whether the writing in the book was an

agreement which ought to have been received by the Court? Secondly, whether, under the circumstances stated, evidence was admissible to shew an universally prevailing custom among china-manufacturers to allow platers and dishers holidays at certain fixed times of the year? Thirdly, whether the questions above stated, or any of them, were admissible? If the Court were of opinion that the writing was an agreement that ought to have been received, and that the evidence of the custom was inadmissible, and that the questions were improper, then the order of Sessions to be confirmed; but if the Court should be of opinion that the written evidence ought not to have been received, or that evidence of the custom was admissible, or that either of the questions was proper, then the Court of Quarter Sessions were to re-hear the appeal.

Godson and Whitmore, in support of the order of Sessions.—(The objection as to the stamp was abandoned by the respondents.) Then, as to the first question, it was not necessary that the writing should have the signatures of the masters—*The King v. Houghton-le-Spring* (1). Here, there has been actual service under it, and the question of mutuality, therefore, does not arise. As to the second point, if it was meant, by the evidence, to vary the effect of the contract, it would be inadmissible.

[COLERIDGE, J.—Could you not shew, in answer to evidence of absence by the servant, that leave was given by the master? and, in the same way, could not a custom, for the servant to absent himself at particular days, be shewn?]

Absence by custom would have been immaterial, and would not prevent the settlement being acquired—*The King v. Horwick* (2), *The King v. St. Agnes* (3), *The King v. Birmingham* (4); but anything said at the time of the agreement with reference to the custom would be inadmissible.

Lee and Yardley, contra.—The questions were put for the purpose of explanation, and were not inconsistent with the written agreement. That agreement did not exclude the

(1) 2 B. & Ald. 375.

(2) 10 East, 489.

(3) Burr. S.C. 671.

(4) 1 Nolan's P.L. 378.

custom sought to be proved—*Holding v. Pigott* (5), *Hutton v. Warren* (6). The object, no doubt, was to get at the fact, that this, in truth, was an exceptive hiring—*The Queen v. Threkingham* (7).

LORD DENMAN, C. J.—I think that, if the evidence of the custom had been admitted, the Sessions would not have thought the contract was to except part of the time, and I think the Sessions ought to have admitted it. It must be taken that both parties knew what the custom was. This is not inconsistent with the contract. The trade, indeed, might not be constantly going on for a whole year. The case must, therefore, go back to the Sessions, though I think this is an improper practice. The Sessions should decide provisionally both ways, leaving the event to depend on the judgment of the Court (8).

PATTESON, J.—The contract was general; and, by the evidence, no direct contradiction is introduced. The contract is not to work from day to day, or every day, but generally from one time to another.

WILLIAMS, J.—There was no stipulation as to time in the agreement, which is very general. I think that the evidence did not go to contradict anything in it, and was improperly rejected. The custom of the trade, indeed, may be said to be impliedly taken as part of the contract, and the evidence is tendered to shew what that custom is.

COLERIDGE, J.—I have always understood that the general usage of trade may be given in evidence on the ground that the parties contracted with reference to it. In this case, I do not see how the evidence was inconsistent with the written contract.

Order of Sessions quashed, and the case sent back to be re-heard.

(5) 7 Bing. 465; s. c. 9 Law J. Rep. C.P. 124.

(6) 1 Moo. & Wels. 466; s. c. 5 Law J. Rep. (N.S.) Exch. 234.

(7) 7 Ad. & El. 866.

(8) See *The Queen v. West Houghton*, ante, 41.

BAIL COURT. }
1843. } THE QUEEN v. KING.
Nov. 21. }

Commitment—Statute 7 & 8 Geo. 4. c. 29. s. 26.—Deer Stealing.

A warrant of commitment, on a conviction, must recite a conviction for an offence over which the committing Magistrate had jurisdiction; and the Court will not presume a conviction to be good, which, according to the recital, shews a want of jurisdiction.

A commitment, under 7 & 8 Geo. 4. c. 29. s. 26, reciting a conviction, that the defendant "did unlawfully kill and carry away one fallow deer, the property of Her Majesty Queen Victoria, against the form of the statute,"—Held, bad, for omitting to state that the deer was in the uninclosed part of some forest, chase, or purlieu.

The defendant, with one Charles Lilley, had been committed, on the 14th of September 1843, to the house of correction at Winchester, under the warrant of a Magistrate, which recited, that they were convicted, on the 7th of September inst., at the parish of Milton, in the said county of Southampton, for that they "did unlawfully kill and carry away one fallow deer belonging to Her Majesty Queen Victoria, against the form of the statute in such case made and provided," and adjudged them to pay the sum of 50*l.* each, and in default of payment to be imprisoned for four calendar months, and commanded the keeper of the house of correction to imprison them during that period, unless the penalty was sooner paid.

King being now brought up under a writ of *habeas corpus*, to which the keeper of the house of correction made the above return,—

Barstow moved to discharge him out of custody.—The commitment is invalid, inasmuch as it recites a conviction, which discloses no offence over which the Magistrate had jurisdiction. The statute 7 & 8 Geo. 4. c. 29. s. 26. provides, that "if any person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any deer kept or

being in any uninclosed part of any forest, chace, or purlieu, he shall, for every such offence, on conviction thereof, before a Justice of the Peace, forfeit and pay a sum not exceeding 50*l*." That the deer should be in some uninclosed part of a forest, chace, or purlieu, is a necessary portion of the offence, and in that respect the conviction is defective. The prior part of the section, which makes it an offence if the deer be in any inclosed part of a forest, &c., or any inclosed land wherein deer are usually kept, declares the offence to be felony, over which the Justice has no power of summary conviction. For anything that appears on this commitment, and on the conviction recited in it, the deer in question may have been in such an inclosure; or it may have been in some other uninclosed place, not being part of any forest, chace, or purlieu, where it would be no offence to kill it.

Smirke was then called on to support the commitment.—It must be admitted that the conviction would be bad if it were in the form recited; but the warrant need not be so precise; and so long as it states that the defendant has been convicted, it suffices, and the Court will presume, till the contrary is shewn, that the conviction was regular. This is provided for by the 71st section, which enacts, "that no warrants of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party had been convicted, and there be a good and valid conviction to sustain the same. Then, in *The King v. Taylor* (1), it was held, that although the warrant of commitment is plainly defective on the face of it, yet, if it shews there has been a conviction, the Court will not notice the defect, till the conviction itself is brought before them, *The King v. Rogers* (2) is an authority to the same effect. That decision would certainly appear to be at variance with the judgment in *The Queen v. Chaney* (3); but it was not cited in the argument, otherwise the decision might have been different. The object of the section of the act was to render the form of the warrant immaterial, and so

long as it contains a general statement that the party has been convicted, its purpose is answered.

[PATTESON, J.—According to that argument, it would be good if the Magistrate were merely to say, "the defendant has been convicted by me in a penalty: receive him into your custody." Looking at *The King v. Rogers*, it appears to me to be quite contrary to what I decided in *The Queen v. Chaney*.]

That case is perhaps distinguishable: the commitment stated a continuance to navigate a ship after a pilot had offered his services, which constituted no offence *per se*.

[PATTESON, J.—It was an offence if the party knew it; so here it would be an offence if the deer were in the uninclosed part of a forest. What a monstrous thing it would be, that there should be a bad warrant of commitment, and a bad conviction, as far as we can see, and that the party cannot be discharged. I cannot, however, overrule the decision of the full Court, without taking time to consider.]

Barstow.—*The King v. Rogers* is not applicable; the warrant there recited a perfectly good conviction, so far as the jurisdiction of the Magistrates was concerned; but an objection was raised, that the penalty was not duly awarded. That was a mere formal matter; it shewed no want of jurisdiction, like this commitment. If the argument on the other side were sound, a warrant of commitment, directing the gaolers to receive the body of A. B. duly convicted before me, without specifying any offence at all, would be valid. Here, too, the *certiorari* is taken away, which creates a distinction between this and the cases quoted, for it deprives the party of any means of seeing whether the conviction be right. It may be conceded, that a warrant of commitment need not contain the same nicety as an indictment; but it is absolutely necessary it should shew some jurisdiction; and here the jurisdiction, which appears to have been exercised, was no jurisdiction at all.

PATTESON, J.—*Wickes v. Clutterbuck* (4) was a case in which the party had been

(1) 7 Dowl. & Ry. 622.

(2) 1 *Ibid.* 165.

(3) 6 Dowl. P.C. 281; s. c. 7 Law J. Rep. (N.S.) M.C. 65.

(4) 4 Bing. 433; s. c. 3 Law J. Rep. C.P. 67.

convicted for fishing in a pond, the commitment omitting to state that it was inclosed. The Court did not enter into the question, whether the conviction was right or wrong, but held the commitment to be bad. In that case an action of trespass had been brought, and the question arose in the course of the trial, but in other respects it is not distinguishable from the present case. I therefore think that this warrant is void; and although I should not certainly have held that I was bound to discharge the prisoner, if the defect were a mere informality, yet where there is a defect of jurisdiction apparent on the face of the warrant, I feel that I ought not to assume that the Magistrate possessed any. I also think that this case is not distinguishable from *The Queen v. Chaney*, where the warrant was defective in the same respect. As to *The King v. Rogers*, it is to be observed, that the objection raised was with respect to the omission of a proper award of the penalty, a mere matter of form. It was certainly a formal defect, which would have rendered the conviction bad, if it were contained in it, but the commitment itself did not exhibit any want of jurisdiction.

Prisoner discharged.

1843. } THE QUEEN v. MARTIN AND
Nov. 23. } ANOTHER.

Highway—Order of Magistrates—Certainty.

In an order made by Magistrates at special Sessions, under 5 & 6 Will. 4. c. 50. ss. 94, 95, for the indictment of a highway, it should distinctly appear that such highway is within the division for which such special sessions are held; and if that do not appear, the subsequent proceedings at the Quarter Sessions are void, though it may appear, on the face of them, that the highway was within their jurisdiction.

Rule for a mandamus, calling on the Magistrates of the West Riding of Yorkshire, to issue a warrant for levying costs against a party against whom an indictment had been preferred for not repairing a high-

way, pursuant to the provisions of 5 & 6 Vict. c. 50. ss. 94, 95, and at the trial of which the defendant was found guilty, and an order for the payment of the costs of the indictment was made by the Sessions.

Hall shewed cause, and objected to the order of Sessions, amongst other things, that it did not appear by the original order of Justices, made at special sessions, and by which the indictment was directed to be preferred, that the road in question was within the division in and for which such special sessions were held—*The Queen v. Cartworth* (1), *Walton v. Chesterfield* (2). The divisions of counties, with reference to special sessions, is regulated by 9 Geo. 4. c. 43. and 6 Will. 4. c. 12. On this objection being taken, the Court called on

Pashley, in support of the rule.—This is a proceeding founded on the order of Quarter Sessions. The order of Magistrates is not in question—*Sellwood v. Mount* (3).

[LORD DENMAN, C.J.—The question will be, whether the Quarter Sessions were properly set in motion?]

It must be taken, that everything alleged in the order of Quarter Sessions is true. That order of Sessions shews the road to be within the division.

[COLERIDGE, J.—But you should shew enough to give the Sessions jurisdiction to try; and that depends on the question, whether the order of Magistrates was a sufficient and proper order.]

The act of parliament is merely directory. Many things are essential to making orders at petty sessions, which need not appear in the orders themselves.

LORD DENMAN, C.J.—I think this objection must prevail. In cases of this sort, all things necessary to give the Sessions jurisdiction should appear in every part of the proceedings. I see no difficulty likely to arise from this rule, any more than in indictments, where everything must be shewn necessary to a complete description of the subject-matter.

Rule discharged.

(1) *Ante*, 26.

(2) 5 Mod. 322.

(3) 1 Q.B. Rep. 726; a.c. 10 Law J. Rep. (N.S.) M.C. 121.

1843. } THE QUEEN v. THE INHABITANTS OF GILBERSOME.
Nov. 23. }

Certiorari—Notice under 13 Geo. 2. c. 18. s. 5.

It is necessary that the notice previous to applying for a certiorari under statute 13 Geo. 2. c. 18. s. 5, should be, in the first instance, sworn to have been given to two Justices, before whom the order was made; and an omission, in this respect, cannot be supplied by a subsequent affidavit.

Baines had obtained a rule *nisi* for quashing the *certiorari* issued in this case, for bringing up an order made at the sessions for the West Riding of Yorkshire. The objection was, that the two Justices on whom the notice had been served, were not sworn to have been two of those before whom the order had been made.

Archbold shewed cause.—First, the affidavits are not properly entitled. They should, in moving for this rule, have been entitled, "The Queen v. the Inhabitants of Gilbersome." This is the converse of the case of *Hollis v. Brandon* (1). The rule is to quash a *certiorari* which has already issued.

[LORD DENMAN, C.J.—The officer of the court informs us, that they are entitled in the usual way. These affidavits were right when sworn, and are now set out in the subsequent proceedings. In informations, the same thing takes place. The Court there refers to affidavits which are sworn, but not entitled.]

Secondly, we now produce an affidavit, that one of the Magistrates on whom the notice was served, was the chairman of the sessions, and that the other was present when the order was made.

Baines, *contra*.—Such an affidavit is now too late. The *certiorari* was granted at the time on imperfect materials—*The Queen v. the Justices of Shrewsbury and Salop* (2); and no opportunity given of shewing cause against granting it.

LORD DENMAN, C.J.—We decided, the other day, that it should appear by the affidavit of service of the notice, under sta-

tute 13 Geo. 2. c. 18. s. 5, that such notice was served on two Magistrates present at the time of making the order of sessions (3). It is too late now to come with an affidavit that they were, in fact, present. As well might the notice have been sworn to have been served on two Magistrates of the county of Middlesex, and then, on objection taken, might we have an affidavit that such Magistrates were also Magistrates for the West Riding of Yorkshire.

Rule absolute.

BAIL COURT.

1844. } THE QUEEN v. LEWIS.
Jan. 13. }

Commitment—Statute 4 Geo. 4. c. 34. s. 2.

A commitment, under 4 Geo. 4. c. 34. s. 2, stating, that the defendant, a miner, had contracted to serve A. B, but omitting to state "in the employment of a miner,"—Held bad.

A commitment, under that statute, alleging a complaint of the master on oath, and then reciting that the Magistrate had duly examined the proofs and allegations of both the parties touching the matter of the complaint, and adjudging it to be true, held bad for want of an averment that the latter examination was on oath.

The defendant, and two other persons, named Jones and Fairley, had been committed to Stafford gaol, under a commitment by a Magistrate, which, after the usual direction, stated, that "whereas complaint hath been made unto me, one of her Majesty's Justices of the Peace, in and for the said county, upon the oath of James Dabbs, of the parish of Wednesbury, miner, that Thomas Lewis, late of the foreign of Walsall, in the said county, miner, hath contracted with the said James Dabbs, and Samuel Dabbs, his partner, to serve them in the employment of a miner, until he shall have given to or received from his said masters one fortnight's notice to quit and leave his said masters' service, and until such notice shall have fully expired, and hath entered into such service, and absented himself from the same service, in the county aforesaid, without his said mas-

(1) 1 Bos. & Pul. 36.

(2) 10 Law J. Rep. (N.S.) M.C. 8.

(3) *The Queen v. Cartworth*, *ante*, 26.

ters' consent, before his said contract was completed. And whereas, in pursuance of the statute in such case made and provided, I have duly examined the proofs and allegations of both the said parties, touching the matters of the said complaint, and upon due consideration had thereof, have adjudged and determined, and do hereby adjudge and determine, the said complaint to be true, and I do therefore convict the said Thomas Lewis of the said offence, in pursuance of the statute in such case made and provided." The commitment then directed his imprisonment. The commitments in the other two cases were the same, with the exception that the words, "in the employment of a miner," were omitted. The prisoners being now brought up under a writ of *habeas corpus*,—

Bodkin moved for their discharge.—He objected as to the two latter commitments, that the omission of the statement, that they contracted to serve in the employment of miners, rendered them void under 4 Geo. 4. c. 34. s. 2; and that, as to the first commitment, the conviction was not stated to have been founded upon evidence given on oath.

WILLIAMS, J. called on

F. V. Lee to support the commitments.—It must be admitted that the last two commitments are bad, for the reason assigned; but as to the first, the question is, whether the recital, that complaint had been made upon oath, cannot be called in aid to shew what were the proofs and allegations into which the Magistrate had examined. In effect the Magistrate says, that complaint has been made to me, upon the oath of James Dabbs, and then goes on to say, "I have examined the proofs and allegations of both the said parties, that is, the proof upon oath.

WILLIAMS, J.—Indeed, I do not think any such construction can be given to the commitment. As Lord Ellenborough said in one case, "I cannot read this in a manner different from that which I should adopt in reading any other composition, and I am not to resort to any violent intendment to support it." The statute requires the complaint to be upon oath, and then, in a sub-

stantive distinct part, empowers the Justice to examine into the matter. At that hearing something might occur to excuse the party, and it is quite clear that it therefore ought to be upon oath. The commitment is consequently defective.

Prisoners discharged.

1844. } THE QUEEN v. THE INHABIT-
Jan. 20. } ANTS OF PERRANZABULOE.

Appeal—Examination—Chargeability—Order of Sessions.

Where the examinations do not disclose any evidence of chargeability, and the order of removal is on that ground quashed generally by order of Sessions, such order of Sessions cannot be treated as conclusive of the settlement of the pauper; and at a subsequent Sessions the ground on which the former order was quashed may be shewn.

The question of chargeability is a question on the merits; i. e. on the merits as they exist at the time of removal, and does not affect the goodness or badness of the settlement.

Upon an appeal against the order of two Justices, for the removal of Catharine Cocking from the parish of Perranzabuloe, in the county of Cornwall, to the borough of Bodmin, in the same county, the Sessions quashed the order, subject to the opinion of the Court upon a case, which set out the examination of the pauper and other persons, on which the order was made, and which went to shew relief given to the pauper by the appellant parish, whilst residing in the respondent parish; and which also stated the said Catharine Cocking to be then resident in and chargeable to the parish of Perranzabuloe.

One of the grounds of appeal was, "because a former order of H. W. and W. P. K., two of her Majesty's Justices of the Peace, in and for the said county of Cornwall, removing the said Catharine Cocking from the said parish of Perranzabuloe, to the said borough of Bodmin, has been quashed by the Court of Quarter Sessions for the county of Cornwall, at the April Sessions,

in the present year, and which said order of the said Court of Quarter Sessions, related directly to the point then and now in question between the parties to the present appeal, and is therefore binding and conclusive between them, so far as respects the place of the last legal settlement of the said Catharine Cocking.

At the hearing of the appeal, the appellants, in support of this ground of appeal, put in an order of Sessions, dated the 5th of April 1843, whereby, upon an appeal against an order, bearing date the 9th of November 1842, under the hands and seals of H. W. and W. P. K, Esqrs., two of her Majesty's Justices, &c., for the removal of Catharine Cocking, widow, from the respondent to the appellant parish, such order was, "upon hearing what could be proved and alleged on oath on either side, ordered and adjudged to be reversed;" and the churchwardens and overseers of the borough of Bodmin were ordered to take and convey the said Catharine Cocking from the said borough to the parish of Perranzabuloe, and deliver her to the churchwardens and overseers of the poor of that parish, who were thereby required to receive her and provide for her as their own parishioner. And the appellants further identified the pauper as being the subject of the former order.

In answer to this, the respondents tendered evidence to shew that the merits were not heard at the trial of the former appeal. It was then admitted on both sides, that the former order, of the 29th of November, was quashed, because the examination, upon which that order was founded, did not contain evidence of chargeability; and the Court, being of opinion that the omission went to the merits, quashed the second order generally.

If this Court should be of opinion that the former order was not quashed upon the merits, the order of Quarter Sessions to be quashed; but if the Court should be of a contrary opinion, the same to stand confirmed.

Erle, (Johnson was with him,) in support of the order of Sessions.—The order was quashed generally at a former sessions. That was a solemn adjudication, and the subsequent Sessions had a right to treat such former order as conclusive.

[PATTERSON, J.—If the examination con-

tains no statement of chargeability, and the order of removal is quashed on that ground, that is not conclusive of the question of settlement: many cases go to establish that. If a pauper is not chargeable to-day, he may be to-morrow⁽¹⁾, but how does that touch the goodness or badness of the settlement?]

In *The Queen v. Charlbury and Walcot* (2), the Court seems to have intimated that a defect in the examination, which the Sessions judged material to the merits, was conclusive; and, in that case, the Sessions refused to hear a witness who was tendered to shew the ground on which a former order was quashed.

[COLERIDGE, J.—In that case, the fact which the Sessions judged material was a date; such a date might have been material, and how could we say that it was not? It must not be supposed that that case turned at all on the refusal to hear; the Sessions, knowing what the evidence was, were satisfied that it would not alter their decision.]

The former Sessions not having made any special entry of the special ground on which the order was made, it must be taken to be made on the merits.

[PATTERSON, J.—Chargeability and removeability are both merits. In *The Queen v. Charlbury* I expressly drew the distinction, and it applies here. The second removal is made upon a new state of facts, and the question on the second appeal has nothing to do with that which has been already decided.]

LORD DENMAN, C.J.—Granting you all that you wish in point of principle, still it is clear that the Sessions were wrong. The former order of Sessions was made upon the state of facts then presented to them. Their decision on those facts was a decision on the merits, but such decision cannot affect the new case that is presented to them. The Sessions have misapprehended the effect of the former decision of this Court.

Order of Sessions quashed.

Greenwood was on the other side.

(1) See *Osgathorpe v. Diseworth*, 2 Stra. 1256; *The King v. Wheelock*, 5 B. & C. 511.

(2) *Ante*, p. 20; s. c. 3 Gale & Dav. 117.

1848.
 Nov. 11. } THE QUEEN v. THE INHABITANTS
 1844. } OF CUMBERWORTH HALF.
 Jan. 20. }

Examination — Particularity — Grounds of Appeal — Settlement by renting Feed of a Cow.

The examination of a pauper stated that he was put out an apprentice by covenant indenture:—Held, that the nature of the binding was described with sufficient particularity, as distinguished from a binding by the parish.

*A settlement set up in one of the grounds of appeal was, that the pauper had rented "a tenement," consisting of the keeping or feeding of a cow, of which he was the owner, "by and on the land and premises" of J. H, for the space of one whole year, and which was of the value of 10*l.* a year at the least:—Held, insufficient, as not shewing, on the face of it, that the cow was to be fed on the growing produce of the land.*

On an appeal against an order of two Justices, for the removal of William Burdett, and Sarah, his wife, from the township of Denby, in the West Riding of the county of York, to the township of Cumberworth Half, in the same riding, the Sessions confirmed the order, subject to the opinion of this Court upon the following

CASE.

The examination respecting the settlement of the said William Burdett, and Sarah, his wife, whereon the said order was made, was the following:—This examinant (William Burdett) maketh oath and saith, I am sixty-nine years of age, and the place of my settlement is at Cumberworth Half, in the said riding, which I gained by apprenticeship with Amos Burdett, of Gilsf, in Cumberworth Half aforesaid. When I was about fourteen years of age, I was put out an apprentice by *covenant indenture* to the said Amos Burdett for the term of seven years, to learn the trade of a clothier, and I went to, and resided with, the said Amos Burdett, in Cumberworth Half, under the said indenture, for five years and six months, when my brother, Joseph Morton, purchased my time out with my master for the sum of two guineas, which was paid by my mother, and the indentures were destroyed; and I have

never done any act since whereby to gain a settlement. I was married at Louth, in Lincolnshire, to my wife, Sarah Roberts, in the year 1795. On the hearing of the appeal, as soon as the respondents had opened their case, the appellants objected that the said examination was insufficient on the face of it, and that the said order of removal ought, on that ground, to be quashed. The grounds of insufficiency relied on under the grounds of appeal, which properly pointed them out, were, that the alleged indenture of apprenticeship was neither shewn to have been produced before the Justices who took the said examination, nor was its loss or destruction sufficiently shewn, to let in secondary evidence before the said Justices of such indenture; and that, if a sufficient foundation were laid in the said examination to warrant the reception of such secondary evidence, then, that the secondary evidence given respecting the said indenture was wholly defective and insufficient, in the following respects; that is to say, that it did not appear by the said examination whether the said William Burdett was a parish apprentice, or by whom he was bound, or who were the parties to the supposed indenture; and that, if he were a parish apprentice, then, that it did not appear by the said examination whether the said binding was allowed by the Justices of the Peace; and that it did not appear by the said examination either that the money given or contracted for in relation to such apprentice was inserted in the said indenture, or that the said indenture was duly stamped, in pursuance of the statutes in force at the time when it was executed. The Court of Quarter Sessions, after hearing counsel on both sides upon the alleged insufficiency of the said examination, overruled the objections taken, and held the said examination good. The appellants, after such decision of the Court, conceded that the respondents could prove the settlement stated in the examination, and that settlement was taken as proved. The appellants proposed to rely on a subsequently-acquired settlement, as stated in the following, which was the seventh ground:—That, subsequent to the said alleged apprenticeship in our said township of Cumberworth Half, that is to say, in or about the year 1812, the said William Burdett, the pauper, rented a cottage or tenement of the value and for the

sum (which he paid) of 1*l.* 10*s.* per annum, situate at Exley Gate, in your said township of Denby, in which he resided for the term of one whole year at the least, and the said pauper has ever since continued to reside, and does in fact now reside, in the same cottage at Exley Gate aforesaid; and that in or about the year aforesaid, and at the same time that he so occupied and resided in the said cottage or tenement at Exley Gate aforesaid, he also rented and occupied another tenement at Denby Hall, in your said township of Denby, consisting of the keeping or feeding of a cow, of which he was the owner, by and on the land and premises of James Haigh, of Denby Hall aforesaid, for the space of one whole year, and which was of the value of 10*l.* a year at the least, and for which the said pauper paid to the said James Haigh the sum of 4*s.* a week during the whole year, whereby the said pauper did acquire a settlement, and is now legally settled in your said township of Denby. The respondents, upon this, admitted that the facts stated in the said seventh ground of appeal were all true; and it was agreed by the counsel on both sides, that evidence sufficient to establish the said seventh ground of appeal should be taken as having been adduced by the appellants; but the counsel for the respondents objected that the said seventh ground of appeal did not shew upon the face of it a legal settlement in the said township of Denby. After hearing this question argued, the Court of Quarter Sessions decided, that the said seventh ground of appeal did not shew upon the face of it a legal settlement in the said township, and thereupon confirmed the said order of removal, subject to the opinion of the Court of Queen's Bench.

If the Court of Queen's Bench should be of opinion either that the said examination is bad, as contended by the counsel for the appellants, or that the said seventh ground does shew a legal settlement in Denby, then the said order of removal and the said order of Sessions to be quashed; otherwise, the said order of Sessions and the said order of removal to stand confirmed.

Sir G. Lewin and Overend, in support of the order of Sessions.—As to the first point, a "covenant indenture" is a term that gives, on the face of it, sufficient information.

Supposing it to be necessary to shew whether the indenture was a parish indenture or not, the words of this examination do sufficiently shew it. The stat. 43 Eliz. c. 2. s. 5. provides, that churchwardens and overseers may bind poor children to be apprentices till such man child shall be of the age of twenty-four years, and such woman child of the age of twenty-one years, or the time of her marriage, "the same to be as effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herself." The statute, therefore, places a binding by indenture of covenant (which must be taken to be the same thing as a covenant indenture,) in contradistinction to a binding by the Justices. But it is sufficient to shew an apprenticeship, without saying whether the binding was by the parish or not. This kind of settlement is created by 3 W. & M. c. 11. s. 8, which uses the words, "apprenticeship by indenture." Then, as to the destruction, that is positively stated.

[*LORD DENMAN, C.J.*—You need not labour that point; but we will hear the other side on the objection to the examination, before we go into the other question arising on the grounds of appeal.]

R. Hall and Pashley, contra.—The examination should give full information as to the description of the indenture: here it is ambiguous. The terms "covenant indenture" do not define any particular sort of indenture; nor can it be said that the 43 Eliz. intended to draw any distinction, any more than if it had used the word "indenture" only, which would comprehend both descriptions of indenture: they both contain covenants. The terms used, "I was put," &c., would rather go to shew that the pauper did not bind himself. The terms "single and unmarried," and the word "occupy," have been considered ambiguous—*The Queen v. Wymondham* (1), *The Queen v. the Justices of the West Riding, (Drighlington v. Pudsey,)* (2), *The Queen v. Old Stratford* (3). So, "hiring and service," without more—*The Queen v. North Bovey* (4). To the same effect are *The Queen v.*

(1) 2 Q.B. Rep. 541; s. c. 12 Law J. Rep. (N.S.) M.C. 74.

(2) Ibid. 505; s. c. 11 Law J. Rep. (N.S.) M.C. 80.

(3) Ibid. 513; s. c. 11 Law J. Rep. (N.S.) M.C. 115.

(4) Ibid. 500; s. c. 11 Law J. Rep. (N.S.) M.C. 71.

the Recorder of Pontefract (5), *The Queen v. Whitley Upper* (6), *The Queen v. Silkstone* (7).

Cur. adv. vult.

On a following day,—

The COURT desired to hear the argument on the second point.

Sir G. Lewin and Overend.—It does not appear, from the grounds of appeal, that the keeping and feeding of the cow constituted a tenement: for that purpose, it should appear that the cow was to be fed all the year round on the growing produce of the land—*The King v. Bardwell* (8), referring to *The King v. Minster* (9), where the point was not taken. Here the agreement would include a period when the snow was on the ground, and when, therefore, the cow could not have been pasture fed—*The King v. Sutton St. Edmund's* (10), *The King v. Tisbury* (11). The “keeping and feeding” of a cow does not necessarily imply pasture feeding, any more than the “going” of sheep, which was held to convey no such meaning in *The King v. Thornham* (12). It should have been expressly stated that the cow was to be pasture fed—*The King v. Darley Abbey* (13), *The King v. Stoke-upon-Trent* (14). *The King v. Piddletrenthide* (15) was decided on the ground that the right to take rabbits gave an interest in the land. The words here, “by and on the land and premises,” would seem to imply feeding sometimes on the land and sometimes in a cow-house; and it would have been no breach of contract by James Haigh to have fed the cow by means other than pasture. The statement will not be aided by intendment—*The Queen v. the Justices of the West Riding, The Queen v.*

Old Stratford, The Queen v. the Recorder of Leeds (16).

R. Hall and Pashley, contra.—The feeding and keeping of the cow was a tenement within the 13 & 14 Car. 2. c. 12. The words “by and on the land,” limits the feeding to the produce at the time. Hay previously severed could not be considered as forming any part of the land. *The King v. Piddletrenthide* was decided on the authority of *Kinver v. Stone* (17), which turned on the question of the profit derived from the warren, without inquiring into the mode of feeding rabbits in winter. *The King v. Minster* is an authority for the appellants.

LORD DENMAN, C.J.—Upon the first point, namely, whether the examination is good or not, we entertained some doubt at first; but I now think that the terms “covenant indenture” are sufficiently descriptive to allow the Sessions to deal with the case. As to the grounds of appeal, it appears to me, that that which is stated does not compose a tenement. The statement does not import that the cow was to be fed on the growing produce of any particular land, within the rule laid down in *The King v. Tisbury*, and that class of cases. I think the meaning which is sought to be introduced, as to the words, “by and on the land and premises,” is quite out of the question; and that the description would be satisfied by shewing that the cow was to be fed by hay or other means on the premises. I think, therefore, that the appellants have given notice of that which they called a tenement, but could not prove to be so; and that the order of Sessions must be confirmed.

PATTESON, J.—I was not present at the former argument, but I quite agree as to the effect of the words “covenant indenture.” As to the other point, it is said, that the notice purports that the cow was to be fed on the produce of the land during the whole year: that seems to me a very strong construction to put upon it. It appears to me, on reading it, that it would admit of the cow's being fed on the land as long as the produce lasted, and by other means when there was no grass for it to eat. The case of *The*

(5) 2 Q.B. Rep. 448; s. c. 12 Law J. Rep. (N.S.) M.C. 81.

(6) 11 Ad. & El. 90; s. c. 9 Law J. Rep. (N.S.) M.C. 12.

(7) 2 Q.B. Rep. 520; s. c. 12 Law J. Rep. (N.S.) M.C. 5.

(8) 2 B. & C. 161.

(9) 3 Mau. & Selw. 276.

(10) 1 B. & C. 536.

(11) 2 Nolan's P.L. 19.

(12) 6 B. & C. 733; s. c. 5 Law J. Rep. M.C. 70.

(13) 14 East, 282.

(14) 10 Ibid. 496.

(15) 3 Term Rep. 772.

(16) 2 Q.B. Rep. 547.

(17) 1 Stra. 678.

King v. Sutton St. Edmund's seems to me to shew the distinction more strongly than any other case. There Bayley, J. referred during the argument to *The King v. Oswald Twissell*, where the pauper rented, *inter alia*, the milk of a cow, to be kept by the owner; her keep made up the necessary value, 10l., and she was, in fact, pasture fed; but it was held, that inasmuch as it did not appear to have been matter of bargain that she should be pasture fed, hiring her milk was not necessarily taking a tenement. I thought it would have been contended here, that (the value of the tenement being of 10l.) the keep of the cow would be a tenement so far as she was fed on the produce of the land, though not so far as she was fed by other means, as in the very case of *The King v. Sutton St. Edmund's*, where the keep of the cows on the pasture during the summer months was admitted to be a tenement. Nothing of that sort, however, can be collected in this case.

COLERIDGE, J.—I think the Sessions were right on both points, though, on the first, I was of a different opinion on the former argument. It is important to look at the wording of the stat. 43 Eliz. c. 5, where an "indenture of covenant" is put in contradistinction to a parish indenture. It further appears, that in this case no application was made to the Magistrates when the indenture was put an end to. As to the second point, if we read the statement as any man of common sense must be supposed to do, it would seem, that the cow was to be fed and kept on the lands and premises of James Haigh. The use of the word "tenement" in the beginning, will not make that a tenement which otherwise would not amount to one, but the description is tied up with what follows as to the statement of the mode in which the cow was to be fed; and that does not necessarily constitute a tenement, for the reasons already given.

WIGHTMAN, J.—I am of the same opinion on both points. The word "tenement" is explained by what follows; and the "feeding and keeping" might, for anything that appears, be upon hay made in some former year, or on other land. The explanation given of what is meant by the word "tenement," is not sufficient to constitute it a tenement for the purpose of a settlement.

Order of Sessions confirmed.

[IN THE EXCHEQUER OF PLEAS.]

1844. }
Jan. 20. } *Ex parte* ASTON.

Commitment—Sureties to keep the Peace
—Gaol—House of Correction.

A commitment of a party who refuses to give sureties to keep the peace, need not be made to the gaol, but is good if made to the house of correction.

This was a rule calling upon G. Briscoe and J. Barker, the committing Magistrates, A. P. Brevitt, the party complaining before them, and the keeper of the house of correction at Stafford, to shew cause why a writ of *habeas corpus* should not issue to the keeper, commanding him to have the body of William Aston before this Court, on a day to be named by the Court. The ground of the application was, that the commitment ought to have been to the county gaol, and not to the house of correction. The affidavit, on which the rule was granted, stated, that William Aston had been committed, and was then confined in the house of correction, in and for the county of Stafford, under a warrant of commitment, under the hands of George Briscoe and John Barker, for refusing to find sureties to keep the peace towards Archibald Paul Brevitt. The warrant was in these terms:—

"To all constables and peace officers in the said county, and to the keeper of the house of correction at Stafford, in the said county.

"Whereas Archibald Paul Brevitt, of the parish of Darlaston, in the said county, gentleman, hath made oath before us, George Briscoe and John Barker, Esqs., two of Her Majesty's Justices of the Peace in and for the said county of Stafford, that he is afraid that William Aston, of the parish of Lapley, in the said county, farmer, will do him some bodily injury, having so threatened, and hath therefore required surety of the peace and good behaviour against the said William Aston. And whereas the said William Aston has this day been brought before us to answer the said complaint; and upon our examination thereof, we, the said Justices, have ordered and adjudged, and do hereby order and adjudge, that the said William Aston shall find sufficient sureties to be

bound with him in a recognizance in the sum of 25*l.* each, for him to keep the peace, and to be of good behaviour towards the Queen, and all her liege people, and especially towards the said Archibald Paul Brevitt, for the space of one calendar month now next ensuing. And whereas, the said William Aston hath refused, and doth now refuse, before us, to find such sureties, these are therefore to require you, the said constables, forthwith to convey the said William Aston to the said *house of correction*, and to deliver him to the said keeper thereof there, together with this precept. And we do hereby require you, the said keeper, to receive the said William Aston into your custody, in the said house of correction, and him there safely to keep for the space of one calendar month, unless he shall, in the mean time, find such sureties as aforesaid, to keep the peace and be of good behaviour for the term above mentioned. Given under our hands and seals, the 5th day of January 1844.

“George Briscoe (L.S.)”

“John Barker (L.S.)”

The governor of the prison stated, in his affidavit in answer, that the gaol and house of correction were one and the same building, under the same continuous roof, and within the same boundary wall, and that he was governor of both; that all persons committed for assaults, or for want of sureties to keep the peace, either to the gaol or house of correction, were confined in one department, which was called “Misdemeanants’ Class,” being the only place in the prison that could be appropriated to so numerous a class of prisoners; and that, had the commitment of the said W. Aston been directed to the “keeper of the gaol,” instead of to the “keeper of the house of correction,” the said W. Aston would have been placed in the same class and building wherein he then was, and in all respects under the same rules and regulations as he had been.

Martin shewed cause.—The commitment in this case was legal. The 6 Geo. 1. c. 19. s. 2, after reciting the inconvenience of committing to the gaol persons charged with small offences, or for want of sureties, enacts, that it “shall be lawful for Justices of the Peace, within their respective jurisdictions, to commit such vagrants, and other criminals,

offenders, person and persons, either to the common gaol or house of correction.” It appears from the 4 Geo. 4. c. 64. ss. 5. and 10. and 5 Geo. 4. c. 85. s. 10. coupled with the affidavits, that the Justices have the power of classifying the prisoners, and that Aston would have been placed in the same class, and in the same part of the building, if he had been committed to the gaol instead of the house of correction. The commitment is good however, notwithstanding the acts relating to gaols. He referred to *Ex parte Evans* (1), *Willes v. Bridger* (2), and the 18 Eliz. c. 3.

M. D. Hill, *contra*.—At common law, and by various statutes, the commitment ought to have been to the gaol, of which the sheriff is the keeper; and it is submitted, that the alteration made by the 6 Geo. 1. c. 19. s. 2. does not apply to this case; secondly, it does not appear that the party committed has been heard in his own defence. Again, the 5th section of 4 Geo. 4. c. 64. provides, that where “any house of correction shall be part of the same building, or inclosed in the same boundary wall as, or shall be contiguous to the common gaol, or shall be under the superintendence of the same keeper and the same visiting Justices, it shall be lawful for the Justices of the Peace of the county, &c., assembled at any general or quarter sessions from time to time, with the consent of the sheriff of the county,” to classify the prisoners. Here it does not appear, from the affidavits, that the conditions precedent have been complied with, that the house of correction is under the superintendence of the same visiting Justices, or that there has been any order at sessions, or any consent of the sheriff.

LORD ABINGER, C.B.—I think this rule must be discharged. The objection to this warrant of commitment is not that the party complaining ought not to be committed at all, but that he ought in terms to have been committed to the gaol, and not to the house of correction. The first question is, whether a commitment for want of sureties is legal; and of that there can be no doubt. The 6 Geo. 1. c. 19. s. 2, which gave Justices of

(1) 8 Term Rep. 172.

(2) 2 B. & Ald. 278.

the Peace power of committing to houses of correction, does not mention felons, but parties charged with small offences; and accordingly, in the case of *Ex parte Evans*, where the question was, whether a person charged with treason could be committed to the house of correction, Lord Kenyon admits, that the practice of committing felons to the house of correction cannot be founded on the authority of that statute, which applies to inferior offences only; but he says, that the practice of committing to the house of correction, that has subsisted since 1715, ought not to be overthrown. Here we have the positive statement of the gaoler that the party is committed for want of sureties, and that all persons so committed are confined in the department where the prisoner has been placed. I think, therefore, that the keeper of the gaol is justified by the uniform practice, the house of correction being in fact a public gaol.

PARKE, B.—I am of the same opinion. The only question is, whether this commitment is valid; I think it is, and that the defendant is in proper custody. The question does not turn on the Gaol Acts that have been cited, but is decided by the case of *Ex parte Evans*. Before the 6 Geo. 1. c. 19, doubts were entertained, whether the house of correction was a public prison, but that statute has made the house of correction the king's prison. The practice is to commit all felons to the house of correction. In *Ex parte Evans* it was held, that houses of correction were public gaols; and if so, then all persons committed for want of sureties may be confined there. That is the necessary consequence of that case. The commitment is therefore correct; and this rule must be discharged.

ALDERSON, B.—The principle is, that a party is to be committed to the king's gaol, and not to a private one. Here the commitment has been to the house of correction; and a question has been raised, whether that commitment is valid; it being alleged that the rules of that place of confinement may not be the same as those of public gaols. Here, however, it appears that the house of correction and the gaol are the same building; that the same person is the keeper of both, and that the regulations of both are also similar. So that if the question stood on

the authority of the Gaol Acts only, the commitment would be legal. It is enough, however, to say, that this is a public gaol, under the controul of the king, and not of a private individual; and that there is nothing in the regulations of the house of correction that is inconsistent with the objects of the commitment.

GURNEY, B.—I am of the same opinion, and will add only one remark, that the party complaining of a commitment to the house of correction has the same remedy for any grievances he may sustain, as if he had been committed to the gaol, since both places of confinement are under the regulation of the same individuals.

Rule discharged.

1844. } THE QUEEN v. THE INHABIT-
Jan. 20; } ANTS OF LEOMINSTER.
Feb. 8. }

Appeal, Notice of—Signature of, by Officers de facto—How far Respondents can object to.

A notice and statement of grounds of appeal purported to be signed by one churchwarden and two overseers; one of those, however, who signed as overseers, being the same person who had signed as churchwarden:—Held, that the respondents could not set up as an objection to the hearing of the appeal, the irregularity in the appointment of the officers of the appellant parish, that parish being bound by the notice.

This was an appeal against an order of two Justices for the removal of Wm. Pierce and Mary his wife, from the borough of Leominster, in the county of Hereford, to the parish of Addington, in the county of Bucks.

At the trial, the appellants being called upon to prove the notice of appeal and statement of grounds of appeal, it appeared that a notice and statement of grounds of appeal had been served upon the officers of the respondent parish, fourteen clear days at least before the Sessions.

This notice and statement was addressed "To the churchwardens and overseers of the poor of the borough of Leominster, in the county of Hereford," and ran in the usual form, "We the churchwardens and overseers

of the poor of the parish of Addington, in the county of Buckingham, do hereby give you notice, that at the last General Quarter Sessions of the Peace, holden, &c., we did enter, or cause to be entered, an appeal against an order, under the hands and seals of F. W. and W. A., two of her Majesty's Justices of the Peace in and for the said borough of Leominster, dated the 1st day of December now last past, for and concerning the removal of William Pierce, otherwise William Lovenge, and Mary his wife, from the said borough of Leominster to the said parish of Addington, and that the hearing of the said appeal was by order of the said Court of Quarter Sessions respited and adjourned until the next General Quarter Sessions of the Peace in and for the said county; and we further give you notice, that at such next General Quarter Sessions of the Peace, to be holden in and for the said county, we shall proceed to try the said appeal; and pursuant to the statute in that behalf, we do hereby state the grounds of our appeal as follows"—(here followed a statement of the grounds of appeal).

(Signed)

"John Clare, churchwarden,

"John Clare, } overseers of the

"Matthew Adams, } poor.

"Dated the 11th day of March 1843."

At the time of the said notice and statement of grounds of appeal being signed and given, the persons whose signatures were affixed thereto were the only existing parochial officers of the appellant parish, whether churchwardens or overseers; John Clare, who signed the above notice and statement of grounds of appeal as churchwarden, was the same person who also signed it as one of the overseers. Clare and Adams, by whom the said notice and statement of grounds of appeal is signed, were in fact appointed overseers of the appellant parish in the year 1842. Clare was one of the churchwardens of the appellant parish, and continued to be such churchwarden until after the giving of the said statement of grounds of appeal, until the trial of the said appeal. There had been another person appointed churchwarden as well as Clare, but that person had died in October 1842, before the time at which the said notice of appeal was given, and no successor to the

deceased churchwarden was appointed. It was objected by the respondents, that, under the circumstances, the appellants could not be heard in support of the appeal, inasmuch as the said John Clare and Matthew Adam, by whom the said notice of appeal was signed, did not, at the time of signing the same, legally constitute either the churchwardens and overseers of the poor, or the churchwardens or overseers of the poor of the appellant parish, and because, at the time of giving the said notice of appeal, there was no body of churchwardens or overseers of the poor of the appellant parish legally constituted in that behalf, and competent to give the said notice of appeal, or any other notice of appeal against the said order of removal; and also because a statement of the grounds of appeal in writing had not been sent or delivered to the churchwardens and overseers of the respondent parish by the churchwardens and overseers of the poor of the appellant parish, inasmuch as the said John Clare and Matthew Adams, by whom the said statement was sent or delivered to the churchwardens and overseers of the poor of the respondent parish, were not for that purpose the legally constituted churchwardens and overseers of the appellant parish, or a majority thereof, and because, at the time when the said statement was so sent or delivered as aforesaid, there was no body of churchwardens and overseers of the poor of the appellant parish, legally constituted in that behalf, and competent to send or deliver to the churchwardens and overseers of the respondent parish the said statement of grounds of appeal against the said order of removal. Upon the above objection, the Court of Quarter Sessions decided that the appellants were entitled to be heard in support of the said appeal, and proceeded to try the same, and quashed the said order of removal. The question for this Court was, whether, under the circumstances disclosed in this case, the appellants were entitled to be heard in support of their appeal. If the Court should be of opinion, that the appellants were not entitled to be heard in support of their appeal, the order of Sessions to be quashed, and the order of removal to be confirmed; but if this Court should be of opinion that the appellants were entitled to be heard in support of their said appeal, the

order of removal to stand discharged, and the order of Sessions to be confirmed.

B. Andrews and Barrett, in support of the order of Sessions.—Unless the parties who signed the notice were the proper parish officers, there were none capable of signing it. But it will be contended, that there should be, at least, two distinct persons as overseers, in addition to the churchwardens. That objection would have been equally applicable before the 4 & 5 Will. 4. c. 76. In *The King v. All Saints, Derby* (1), it was held, that an indenture of apprenticeship, signed by two persons, styling themselves churchwardens and overseers, and who, in fact, were the only persons filling the offices of churchwardens and overseers, was not valid under the statute 43 Eliz. c. 2. s. 1, which requires the binding to be by the churchwardens and overseers. In consequence of that decision, the statute 51 Geo. 3. c. 80. was passed, to render such indentures valid (2). The statutes which relate to removals and appeals are worded in a different manner. The statute 13 & 14 Car. 2. c. 12. enables the Justices to remove upon complaint made by the churchwardens or overseers, and that statute, by section 2, gives a power of appeal to "all such persons who think themselves aggrieved." The statute which first connects the parish officers with appeals, is the 9 Geo. 1. c. 7. s. 8, which enacts, that no appeal from any order of removal shall be proceeded upon in any Court of Quarter Sessions, unless "reasonable notice be given by the "churchwardens or overseers" of the one parish, to the "churchwardens or overseers of the other." In this case the notice has been signed by all the existing parish officers, and is therefore good within the provision of 4 & 5 Will. 4. c. 76, s. 81.—*The King v. the Justices of Derbyshire* (3), *The King v. the Justices of Warwickshire* (4), *The King v. the Justices of Suffolk* (5), *The Queen v. Churchknowle* (6), *The Queen v. the Justices of Cheshire* (7).

By the general interpretation clause, section 109, of 4 & 5 Will. 4. c. 76, the word overseer includes churchwardens. A signature by a majority *de facto* of the parish officers was sufficient under the Certificate Act, 8 & 9 Will. 3. c. 30. s. 1.—*The King v. Wymondham* (8). All intendment will be made in favour of the notice—*The King v. Hinckley* (9), *The King v. Catesby* (10), *The King v. the Justices of Denbyshire* (11).

Greaves and Venables, contra.—The words of the statute 43 Eliz. c. 2. s. 1. are express, that there must be, at least, two distinct persons, independent of the churchwardens, to constitute legal overseers. The appellant parish does not bring itself legally before the Court. The notice, no doubt, commences: "We, the churchwardens and overseers," and purports to be the notice of three distinct people; but it turns out, at the trial, that Clare was both churchwarden and overseer, and it did not appear which appointment he received first. If Clare's appointment to be overseer was a nullity, there would be but one overseer, which would be insufficient—*The King v. Clifton* (12). Besides, by the common law there should be two churchwardens—*The King v. Hinckley*, *The King v. the Rector of Birmingham* (13).

[PATRSON, J.—It hardly can be contended, that on the death of one of two churchwardens, the other ceases to be churchwarden. The question, however, is not whether these are bad officers, but whether, supposing them to be so, they yet may not give a good notice of appeal.]

According to *The King v. Loxdale* (14), and *The King v. St. Margaret's, Leicester* (15), the officers to do a valid act should be officers *de jure*. The cases of *The King v. All Saints, Derby*, was recognized in *Woodcock v. Gibson* (16). These persons could not have brought an action for parish property—*Doe d. the Churchwardens, &c. of Llandisilio v. Roe* (17). An appeal is a

(1) 13 East, 143.

(2) See *The King v. St. Margaret's, Leicester*, 2 B. & Ald. 200.

(3) 6 Ad. & El. 885; s. c. 6 Law J. Rep. (N.S.) M.C. 140.

(4) Ibid. 873; s. c. 6 Law J. Rep. (N.S.) M.C. 113.

(5) Ibid. 109; s. c. 6 Law J. Rep. (N.S.) M.C. 37.

(6) 7 Ibid. 471; s. c. 7 Law J. Rep. (N.S.) M.C. 4.

(7) 8 Dowl. P.C. 616.

(8) 6 Term Rep. 552.

(9) 12 East, 361.

(10) 2 B. & C. 814.

(11) 1 B. & Ad. 616; s. c. 9 Law J. Rep. M.C. 109.

(12) 2 East, 168.

(13) 7 Ad. & El. 254.

(14) 1 Burr. 445.

(15) 8 East, 332.

(16) 4 B. & C. 462.

(17) 1 Tyr. & Gr. 1054.

quasi action. Neither could these parties do any other act which churchwardens and overseers are empowered to do—*Blackett v. Blizard* (18), *The Governors of the Poor of Bristol v. Wait* (19). The necessity of a signature by the majority of the officers, was admitted in *The King v. the Justices of the North Riding* (20), and *Doe d. Nicholson v. Middleton* (21) shews, that they should all be in existence at the time. *The Queen v. Colbeck* (22) is decisive, that individual rate-payers cannot now appeal.

Cur. adv. vult.

LORD DENMAN, C.J.—At the trial of the appeal the respondents objected, as the case states, that the persons by whom the notice of appeal was signed, did not legally constitute either the churchwardens and overseers of the poor, or the churchwardens or overseers of the poor of the appellant parish; and because there was no body of overseers competent to give the said notice. It appeared that Clare was one of the churchwardens, that another person had been appointed churchwarden, who died before the notice of appeal was given, and no successor had been appointed. Clare signed the notice twice, once as churchwarden, and once as overseer. We think the Sessions perfectly right in proceeding to try the appeal in spite of this novel objection, for which there could be no reasonable foundation, unless the appellant parish were free to repudiate the acts of their officers; but we are clearly of opinion, that they are bound by their acts, and must submit to any judgment against those whom they have represented as having power to act for them, unless the document were invalid on its face. The respondents, therefore, would have had all the benefit of a decision on the merits, if in their favour, and are not at liberty to enter into the legality of the several appointments in the adverse parish.

Order of Sessions confirmed.

- (18) 9 B. & C. 859; s.c. 8 Law J. Rep. M.C. 103.
 (19) 1 Ad. & El. 273; s.c. 3 Law J. Rep. (N.S.) M.C. 71.
 (20) 6 Ad. & El. 869; s.c. 6 Law J. Rep. (N.S.) M.C. 110.
 (21) 3 Brod. & Bing. 214.
 (22) 12 Ad. & El. 161; s.c. 9 Law J. Rep. (N.S.) M.C. 61.

BAIL COURT.
 1844.
 Jan. 12.

THE QUEEN v. LORD GODOLPHIN AND ANOTHER.

Poor-rate, Allowance of—Mandamus.

The allowance of a poor-rate by the Justices is purely a ministerial act; and if it be good on the face of it, they cannot inquire into its validity.

Where a poor-rate had been made by the two overseers of a parish alone, there being also two churchwardens who had not been sworn in, and the Magistrates had refused to allow it, as not being made by the majority of the parish officers, a mandamus to the Justices to allow the rate was granted.

A rule for a mandamus to Justices to allow a poor-rate is absolute in the first instance.

A poor-rate, regular in form, had been made by the two overseers of a parish, and signed by them. There were also two churchwardens, who had been appointed, the one by the minister, the other by the parishioners; but they had never been sworn in, and they declined to act. The last churchwardens, who had been sworn in, had been appointed, in 1837, and one of them had died in the interim. Upon this rate being laid before Lord Godolphin and another Magistrate for Cambridgeshire, they declined to allow it, on the ground that it ought to have been made by a majority of the parish officers.

Gunning moved for a mandamus to these Magistrates to allow the rate.—The act of the Justices, in allowing the rate, is purely ministerial, and they have no right to make any inquiry into its validity. Their signatures are mere matter of ornament; and so long as it appears to be good, as this does, on the face of it, they have no discretion—*The Queen v. Lord Yarborough* (1), *The King v. the Justices of Dorchester* (2). Their allowance is not a judicial act, and is required merely for the purpose of putting the matter into a train for inquiry. But even if they had a discretion, they were wrong: until the fresh churchwardens were sworn

- (1) 11 Ad. & El. 416; s.c. 9 Law J. Rep. (N.S.) M.C. 62.
 (2) 1 Stra. 393.

in, the former churchwardens would remain in office; and then, one of them having died, the overseers alone constituted a majority.

[WILLIAMS, J.—Suppose it had been made but by one overseer.]

They still would have been compelled to allow it; for the rate, on the face of it, would appear to be good; the other parish officers might be dead; and if a Magistrate were allowed to make any inquiry beyond what appears on the rate, his allowance would cease to be merely ministerial. The rule is stated by the Master to be absolute in the first instance.

WILLIAMS, J. granted the

Rule absolute.

1844. }
Jan. 22. } THE QUEEN v. SCOTTON.

Game—6 & 7 Will. 4. c. 65. s. 9.—Information—Sufficiency.

By section 9. of 6 & 7 Will. 4. c. 65. relating to trespasses by entering upon land in pursuit of game, it is enacted, "that upon any information made or exhibited before a Justice of the Peace of any such offence as aforesaid, it shall not be necessary that the charge contained in such information should be made on the oath of the informer or prosecutor in such case; provided, that before any proceeding shall be had or taken upon such information, either for summoning the party accused, or compelling his appearance to answer the same, the charge contained in such information shall be deposed to on the oath of some other person or persons, being a credible witness or credible witnesses."

An information under this section was as follows: "Staffordshire, to wit.—Be it remembered, that, on, &c., at &c., Sir O. M., of &c., a credible witness, in his proper person, cometh before me, W. F. C., one of the Justices, &c., and giveth me, the said Justice, to understand and be informed, that R. R., of &c., did, on &c., at &c., unlawfully commit a certain trespass, by entering, in the day-time of the same day, upon a certain close of land, in the possession and occupation of J. W., there situate, in pursuit of game, contrary to the statute, &c.; whereby, and by force of the statute, R. R. has forfeited a

sum of money not exceeding 2l., &c. And the said information having been also verified upon the oath of W. A., of &c., another credible witness, before me, the said Justice; whereupon the said Sir O. M. prays that the said R. R. may be forthwith summoned to appear before one of the said Justices, to answer the said information, and make his defence thereto. O. M., W. A.—Exhibited by Sir O. M., and sworn before me, the day and year first above written, W. F. C." There was no other document deposing to the charge contained in the information:—Held, that this information alone was not a sufficient compliance with the above section to give two Magistrates jurisdiction to entertain the charge.

This was an indictment for perjury, alleged to have been committed by the defendant, upon the hearing, before two Justices of Staffordshire, of an information, laid by Sir Oswald Moseley, against a person of the name of Robinson, for a trespass committed by him under the stat. 1 & 2 Will. 4, c. 32. s. 40, in entering upon land in pursuit of game. One Atkinson was sworn, and gave evidence in support of the information, before the two Justices. The defendant appeared as a witness for Robinson upon that occasion, and the perjury was assigned upon evidence then given by him. Robinson was also present before the Justices.

Upon the trial of the indictment, before Williams, J., at the Summer Assizes for Staffordshire, 1843, the following information, upon which the proceeding before the Magistrates was grounded, was put in evidence on the part of the prosecution:—

"Staffordshire, to wit.—Be it remembered, that within three calendar months after the commission of the offence hereinafter named, to wit, on the 13th of January 1843, at Rolleston, in the said county, Sir Oswald Moseley, of Rolleston, in the said county, Baronet, a credible witness, in his proper person, cometh before me, William Fawcener Chetwynd, one of the Justices of our Lady the present Queen, assigned to keep the peace of our said Lady the Queen in and for the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanours done and committed within the said county, and now here giveth

me, the said Justice, to understand and be informed, that Richard Robinson, of the parish of Tutbury, in the county of Stafford, did, on the 11th of January, in the year of our Lord 1843, at the parish of Rolleston, in the said county, unlawfully commit a certain trespass, by entering, in the daytime of the same day, upon a certain close of land, in the possession and occupation of Thomas Warren, there situate, in pursuit of game, contrary to the statute in such case made and provided; whereby and by force of the said statute the said Richard Robinson has forfeited a sum of money not exceeding 2*l.*, to be applied as the said statute directs; and the said information having been also verified upon the oath of William Atkinson, of Rolleston, gardener, another credible witness, before me, the said Justice, whereupon the said Sir Oswald Moseley prays that the said Richard Robinson may be forthwith summoned to appear before one of the said Justices, to answer the said information, and make his defence thereto.

"Oswald Moseley.

William Atkinson.

"Exhibited by Sir Oswald Moseley, and sworn before me, the day and year first above written. W. F. Chetwynd."

It was objected, on behalf of the defendant, that this information was not a sufficient compliance with the stat. 6 & 7 Will. 4. c. 65. s. 9, to give the Magistrates jurisdiction to entertain the charge, as it did not appear by the information, nor was there any separate deposition to shew, that before any proceeding was taken upon the information, the charge contained in it had been deposed to on the oath of some other person than the informer, as required by the statute. The learned Judge gave leave to the counsel for the defendant to move to enter a verdict upon this point (1). The defendant was found guilty. Upon his being brought up

for judgment, in Michaelmas term last (Nov. 22), a rule was obtained by—

Talfourd, Serj., to enter a verdict for the defendant upon the leave reserved (2).

The Attorney General, (Sir F. Pollock,) *Whateley*, and *Greaves* now shewed cause.—The objection to the information is, that the charge contained in it is not "deposed to," as required by the 9th section. It is stated, in the body of it, to have been *verified* upon the oath of William Atkinson, and in the jurat the word "sworn" appears; and it contains the signatures both of the informer and Atkinson.

[COLERIDGE, J.—The jurat states it to have been exhibited upon oath by Sir Oswald Moseley, and "sworn." Can you rely on the word "sworn" as applicable to Atkinson?]

By section 9, the information need not be upon oath; and the word "sworn," therefore, can only apply to Atkinson and his verification of the charge; and as the word "sworn" is always so used where a charge is taken upon oath, it must mean that Atkinson was sworn to the truth of the matter contained in the information. The information (stated to have been verified by Atkinson) means the offence of which the Justice was informed—the charge actually made, and not the mere document. But neither

to be named in such summons; and if such party shall not appear accordingly, then the Justice or Justices may proceed in the case, in the manner directed by the said act; and it is expedient to explain and amend the said enactment as hereinafter mentioned; be it therefore enacted and declared, that upon any information made or exhibited before a Justice of the Peace of any such offence as aforesaid, it shall not be necessary that the charge contained in such information should be made on the oath of the informer or prosecutor in such case; provided, that before any proceeding shall be had or taken upon such information, either for summoning the party accused, or compelling his appearance to answer the same, the charge contained in such information shall be deposed to, on the oath of some other person or persons, being a credible witness or credible witnesses."

(1) Section 9. "And whereas by an act passed in the first and second years of the reign of His present Majesty, intituled, 'An act to amend the Laws in England relative to Game,' it is enacted, that where any person shall be charged, on the oath of a credible witness, with any offence punishable upon summary conviction, by virtue of the said last-mentioned act, before a Justice of the Peace, the Justice may summon the party charged to appear before himself, or any one or two Justices of the Peace, as the case may require, at a time and place

(2) A rule was also obtained to arrest the judgment, on the ground that the indictment was defective; and also because the evidence upon which the perjury was assigned was immaterial. These points were argued at considerable length; but as the judgment proceeded solely upon the insufficiency of the information, the arguments upon those points are omitted.

the information nor the deposition to support it is required to be in writing—*Paley on Convictions*, p. 18; and it was proved by Atkinson that he was in fact sworn before the two Justices, and gave his evidence as to the truth of the charge. But section 9. of 6 & 7 Will. 4. c. 65. is to be read in conjunction with section 41. (3) of the 1 & 2 Will. 4. c. 32; and from those sections it will appear, that an information is only necessary in two cases, namely, where the charge is determined in the absence of the party, or where a warrant issues for his apprehension. No information is necessary where a person voluntarily appears; or, at all events, any defects in it would be cured by appearance, from analogy to the cases of appearance after an imperfect or defective summons—*The King v. Johnson* (4), *The Queen v. Barrett* (5), *The King v. the Mayor of Wilton* (6), *The King v. Aikin* (7), *The King v. Stone* (8).

Talfourd, Serj., contra, (*M. D. Hill* and *Gray* with him).—The information is not a sufficient compliance with the statute.—First, it charges no offence upon the face of it; and it is no answer to say that it follows the language of the Act—*Chaney v. Payne* (9). It should have stated that Robinson

was in pursuit of game there—*In re Fletcher* (10), *The King v. Gainer* (11), *The Queen v. Davis* (12). Secondly, the charge contained in the information must be “deposed to on the oath of some other person” than the informer. Here the information only is “verified upon oath.”

[PATTESON, J.—The section seems to contemplate a deposition as something separate and subsequent to the information: this professes to be both information and deposition together. It would be difficult to frame an indictment for perjury against Atkinson upon this document. There are no words of his.]

The whole of it is in the Magistrates’ language.—(He was then stopped.)

LORD DENMAN, C.J.—The objection that the defendant was brought before the Magistrates by means of an information only, and that therefore they were not entitled to call upon him for an answer, must prevail. The jurisdiction was deficient under section 9. of the statute referred to, because it does not appear, that before any proceeding was had upon the information, there was any deposition taken at all; but the information only of Sir Oswald Moseley was exhibited and sworn. It would not be a reasonable construction to put upon the latter part of this information, to hold, that it appeared by it, that Atkinson had made a deposition upon oath, so as to bring the matter within the above section. We decide nothing as to any of the other points.

PATTESON, J.—I wish also to say, that we decide this solely and entirely upon the insufficiency of this information, with reference to the 9th section of the act. By that section, an information is necessary (but it need not be on the oath of the informer); and after the information is laid, and before any step is taken upon the information, by summons or otherwise, it is required, that the charge contained in the information should be deposed to, on the oath of some other person, being a credible witness. There is no such thing here, nor anything that would afford an opportunity to indict Atkinson for perjury, if the matters in the infor-

(3) Section 41. “And be it enacted, that the prosecution for every offence punishable upon summary conviction by virtue of this act, shall be commenced within three calendar months after the commission of the offence; and that where any person shall be charged, on the oath of a credible witness, with any such offence before a Justice of the Peace, the Justice may summon the party charged to appear before himself, or any one or two Justices of the Peace, as the case may require, at a time and place to be named in such summons; and if such party shall not appear accordingly, then (upon proof of the due service of the summons, by delivering a copy thereof to the party, or by delivering such copy at the party’s usual place of abode to some inmate thereof, and explaining the purport thereof to such inmate) the Justice or Justices may either proceed to hear and determine the case in the absence of the party, or may issue his or their warrant for apprehending and bringing such party before him or them, as the case may be,” &c.

(4) 1 Stra. 261.

(5) 1 Salk. 383.

(6) 2 Ibid. 428.

(7) 3 Burr. 1785.

(8) 1 East, 640.

(9) 1 Q.B. Rep. 721; s. c. 10 Law J. Rep. (N.S.) M.C. 114.

(10) *Ante*, 16.

(11) 7 Car. & Pay. 231.

(12) 8 Ibid. 759.

mation were untrue. The information is the language of Sir Oswald Moseley in the first instance, and the Magistrates' in the second; but none of it is that of Atkinson.

WILLIAMS, J.—It is necessary that the inquiry before the Magistrates should have been a judicial proceeding, in order to assign perjury upon the evidence there given. There must have been power to administer an oath. The proceeding could only be taken upon such an information as, from compliance with the previous requisites, the Magistrates might entertain. The act clearly requires, that after the information is laid, there should be the deposition upon oath of some other credible witness. Here there is nothing at all of that sort. The word "verified," in the information, is wholly insufficient, even if it is attributable to Atkinson.

COLERIDGE, J.—I quite agree that this is a question of jurisdiction, which is to be decided upon section 9.—[His Lordship read part of the preamble and the enactment.]—We are not to question the propriety of this provision, but to see whether it has been complied with. Before any summons issues, the charge must be deposited to on the oath of a credible witness. Here that had not been done.

Rule absolute to enter a verdict for the defendant.

1844. } THE QUEEN v. THE INHABIT-
Feb. 8. } ANTS OF PILKINGTON.

Examination, Sufficiency of—Hiring and Service—Evidence—Case.

A pauper, in his examination, stated, "When I was about fifteen years of age, I went to work at Messrs. C. & D's factory, called Ringley Mills, in O, in the township of P. It was about the latter end of the year 1828. There was a custom in the mill, requiring the work-people to give a fortnight's notice before leaving their employment. I remained in the employment more than two years, during the whole of which time I resided in O, in the said township of P, and slept there: I worked under the custom as to giving notice. The works consisted of two mills, adjoining each other. When I wanted

to leave the first mill (in which I had been working for about a year) to go to the other mill, I was compelled to serve [sic] a fortnight's notice before leaving. The second mill was under a similar custom; and after I had worked in it better than a year, I had a dispute with the overlooker, and wanted to leave at once, but was not allowed. The overlooker afterwards gave me a fortnight's notice, at the end of which time I left the factory," &c.

The grounds of appeal were, first, that the examination does not shew any settlement in the township of P; secondly, that it does not contain any legal evidence of the settlement of the person removed; thirdly, that it is bad upon the face of it, and does not warrant any order of removal; fourthly, that it does not state sufficient facts to shew that the pauper gained a settlement by hiring and service in P; fifthly, that there was no such hiring and service at Messrs. C. & D's factory, or residence in the township of P, as in the examination is alleged; sixthly, that the pauper was not legally settled in the township of P.

It was objected at the Sessions, that the examination was insufficient, as no general or yearly hiring was stated, or could be implied from it; that it did not state that the party was hired at all, nor with whom he purported to make a contract, nor that he made any contract at all; and that there was no allegation in the examination that the paupers were settled in the appellant township:—Held, with reference to these objections, that the examination was sufficient.

The Court of Quarter Sessions ought not simply to state facts, and ask the opinion of this Court, as a jury, upon them; but, having drawn their own conclusions from the facts, they may ask whether, in the opinion of this Court, the facts will warrant their finding.

This was an appeal against an order of two Justices of the Peace for the borough of Preston, in the county of Lancaster, dated the 30th of September 1842, for the removal of Christopher Morley, his wife, and two children, from the township of Preston to the township of Pilkington, in the county of Lancaster, as the place of their last legal settlement. The order was confirmed, subject to the opinion of the Court of Queen's Bench on the following—

CASE.

The order was grounded on the following examination: "The borough of Chester, in the county of Lancaster.—Examination of Christopher Morley, relating to the settlement of himself and family, taken upon oath before us, two of Her Majesty's Justices of the Peace in and for the said borough, this 30th of September 1842. When I was about fifteen years of age, I went to work at Messrs. Crompton & Ditchfield's factory, called Ringley Mill, in Oatwood, in the township of Pilkington. It was about the latter end of the year 1828. There was a custom in the mill, requiring the work-people to give a fortnight's notice before leaving their employment. I remained in the employment more than two years, during the whole of which time I resided in Oatwood, in the said township of Pilkington, and slept there. I worked under the custom as to giving notice. The works consisted of two mills, adjoining each other. When I wanted to leave the first mill (in which I had been working for about a year) to go to the other mill, I was compelled to serve a fortnight's notice before leaving. The second mill was under a similar custom; and after I had worked in it better than a year, I had a dispute with the overlooker, and wanted to leave at once, but was not allowed. The overlooker afterwards gave me a fortnight's notice, at the end of which time I left the factory. I have not since done any act to gain a settlement in my own right. I was lawfully married, about six years ago, to Mary Dowling, single woman, my present wife, at Bolton Old Church, and we have two children, the lawful issue of that marriage, namely, Ann, aged three years, and Jane, aged one year. Having been in distress, and having applied to that township of Preston, in which I have been residing, for relief, I was placed in the workhouse at Walton-le-Dale, in the Preston union, in which place I am now dwelling, at the expense of the township of Preston. My wife and family are also now dwelling in the Walton-le-Dale workhouse, at the expense of the township of Preston. The mark of × Christopher Morley. Sworn before us, James Barstow, James Manning."

The grounds of the appeal were, that the examination, upon which the order of re-

moval was made, does not shew any settlement in the township of Pilkington; that the examination does not contain any legal evidence of the settlement of the persons removed; that the examination is bad upon the face of it, and does not warrant any order of removal; that the examination does not state sufficient facts to shew that the said Christopher Morley gained a settlement by hiring and service in Pilkington; that there was no such hiring or service at Messrs. Crompton & Ditchfield's factory, or residence in the township of Pilkington, as in the examination in this case is alleged; that the said Christopher Morley was not legally settled in the township of Pilkington.

The appeal came on to be heard at Preston, in February 1843, when the appellants objected to the sufficiency of the examination, inasmuch as no general or yearly hiring was stated in or could be implied from the examination, the examination merely stating, that the examinant went to work at Messrs. Crompton & Ditchfield's factory, called Ringley Mill, without stating that he was hired at all, nor with whom he purported to make a contract or to engage, nor that he made any contract at all. The appellants also objected, that there was no allegation in the examination that the paupers were settled in the appellant township. The Sessions overruled these objections, subject to the opinion of the Court of Queen's Bench. The following facts were proved on behalf of the respondents:—In the latter part of the year 1828, the pauper, Christopher Morley, went to work as a piecer at Crompton & Ditchfield's cotton mill, called Ringley Mill, at Oatwood, within Pilkington. He was to serve the persons working the mill as masters and spinners, who were Messrs. Crompton & Ditchfield; but the practice at such mills is, that the piecers assist certain spinners, to whom respectively they are attached. The wages paid by the master spinner are in proportion to the work done. The spinner receives the whole wages for the work done by him with such assistance, and thereout pays the piecers, without the interference of the master spinner. The obligation of the parties to remain in the same service, varies in different mills. There were no printed rules in Crompton & Ditchfield's mill to regulate such obligation, but it was under-

stood that all persons there employed were bound to give a fortnight's notice of their intention to leave the service. Subject to this understanding, the spinner engages and dismisses his own piecers, without the interference of the master spinner. Morley was thus engaged by one Eatock, a spinner, and served under him for a little more than a year, during all which time he was a bachelor, unmarried, and without child or children, and worked and slept in Pilkington. His wages were reckoned by the week, but paid every fortnight by the hands of Eatock, and he could leave the service by giving a fortnight's notice at the end of any week. At the end of the above period, Morley, wishing to work as a spinner in an adjoining mill, belonging to Messrs. Crompton & Ditchfield, was required to give a fortnight's notice of his intention to leave. This adjoining mill was worked by one Meadowcroft, who took it of Messrs. Crompton, and had the sole management of it, spinning by commission for Crompton & Ditchfield, at so much a hundredweight of cotton yarn spun; but the mill was under the superintendence and controul of Messrs. Crompton & Ditchfield. Morley immediately engaged himself with Meadowcroft, to work at the adjoining mill as a spinner, and to be paid according to the quantity of work done. Nothing was said as to how long he was to remain, but the same understanding prevailed as to notice. He served more than a year, receiving his wages every fortnight from Meadowcroft's manager. He then left, having received a fortnight's notice from Meadowcroft's manager. During this last service, he was a bachelor, unmarried, and without child or children, and worked and slept at Oatwood, within Pilkington. The respondents having closed their case, the appellants objected, that no settlement appeared to have been gained by Morley; that there was not in the case of either service a hiring for a year, or anything equivalent; that the first service was a service to Eatock, and therefore varied from the examination; that no settlement could be gained by the hiring or service as a piecer as above described; that the second hiring and service was with Meadowcroft, and therefore varied from the examination. No further evidence having been given by the appellants, the Sessions confirmed the order, subject to the opinion

of the Court of Queen's Bench upon the several objections taken as above mentioned. It was not disputed but that the settlement of Morley's children was the same as his.

This case was argued January 24th.

Cowling, in support of the order of Sessions.—First, the examination is sufficient, with reference to the objections taken to it. It is objected, that a good settlement by hiring and service does not appear upon the face of it; but it may be, that there never was an actual contract, so none could be stated to have been made by the pauper; but the facts are stated, and from those a hiring and contract for a year will necessarily be inferred—*The King v. Lyth* (1), *The King v. the Holy Trinity in Wareham* (2). Here the inability to leave under a fortnight's notice, is of itself sufficient to raise the inference of a hiring for a year—*The King v. St. Andrew in Pershore* (3). Secondly, the evidence shews a good hiring and service with Messrs. Crompton & Ditchfield. The objection was, that Morley's contract was with Eatock, and that he was his servant. Morley was to serve the master spinner in the mill. It does not appear to whom the fortnight's notice would have to be given.

[PATTESON, J.—The evidence states, that, subject to the understanding as to the fortnight's notice, the spinner (that is, Eatock) engages and dismisses his own piecers (of whom Morley was one) without the interference of the master spinner.]

There is no doubt that Morley could have sued the master spinner for his wages in the first instance, if they had not been handed over to Eatock.

Wortley and J. Peel, contra.—The examination is insufficient upon the face of it. Full information must be given. Here the pauper himself, to whom the circumstances must have been known, was under examination. He states, that he "went to work" at the factory, and "remained in their employment better than two years." Such statements are consistent with no service at all. The Justices should have asked him whether he was hired, and whether he served. The impression of the pauper clearly is, that there was no hiring for a year, because he states, "I was compelled to serve a fort-

(1) 5 Term Rep. 327.

(2) Cald. S.C. 141.

(3) 8 B. & C. 697; a. c. 7 Law J. Rep. M.C. 23.

night's notice before leaving." And again, with reference to the second mill, he states, "I wanted to leave at once, but was not allowed." The pauper does not say that he went to work for the master, nor for whom, or with whom he worked, nor that he was *their* servant. Nothing is to be left upon the examination as matter of inference, nor upon the grounds of appeal—*The Queen v. North Bovey* (4), *The Queen v. the Justices of the West Riding* (5), *The Queen v. Old Stratford* (6), *The Queen v. Wymondham* (7).

[PATTERSON, J.—Suppose a case where there is never any express contract at all, but the party goes and lives a year, and receives his wages: how can the pauper draw any inference as to there being a contract for a year? Others may draw the inference. The grounds of appeal too are extremely vague, and do not hit the points.]

Secondly, the evidence shews no such hiring and service for a year with Messrs. Crompton & Ditchfield as will confer a settlement—*The King v. Sparsholt* (8), *The King v. Hanbury* (9). If this is not sufficiently found, the case will be sent back again to the Sessions—*The King v. Road* (10).

Cur. adv. vult.

LORD DENMAN, C.J.—The question in this case was, whether the notice of appeal stated any valid objection to the examination. There was a minute criticism of some of the expressions in it; but we think that there is no valid objection to the examination. It may be very true, that when the settlement depends upon a single fact, known to the pauper, such as residing, or being at the time of the hiring unmarried, and without child or children, it is reasonable to expect that the examination should contain a specific statement of that very fact; but it is very different as to the legal consequence of those facts. A hiring may be a very difficult question of law. The Justices

may possibly ask a pauper whether he was hired or not; and the answer may be, "I don't know what you call *hired*, but I will tell you what took place upon the occasion;" and then he may state facts, as upon the present occasion; and if those facts so stated amount to a hiring for a year, then the Justices may properly adjudicate that the settlement was gained, and remove the party. They must form their opinion upon the effect of such statement. In the second place, the Sessions found a settlement on the evidence of the hiring and service, subject to our opinion whether the objections were well founded or not. The first objection was, that it was doubtful whether this was a general hiring; but they thought the facts of the case furnished evidence of such a hiring: and, secondly, that it was doubtful whether the pauper was hired by the owner of the mill or by the person called the spinner, who immediately employs the pauper and others in his situation. The Sessions found the hiring and service by the owner, subject to our opinion. Now, the Court have either done right or wrong in sending that to us. They have done right, if they ask our opinion whether the facts stated will warrant the finding which they have made of the party being hired; but they have done wrong, if they refer to us the mere question of fact, and ask our opinion, as a jury, upon it. We are not to assume that they have done wrong. We therefore must conclude that they have put the question to us in this way—whether the facts which led them to the judgment which they have formed are such as were sufficient for the conclusions they have come to. We think those facts were sufficient. The case of *The King v. Sparsholt* was referred to, as shewing that we are to form our opinion, or to send the case back to the Sessions upon such a question; but in that case the order of removal was confirmed, and what was done by the Justices was right. We do not take upon ourselves to say that they have done anything wrong, where there is a sufficient foundation for their judgment. In this case the order will be confirmed.

Order confirmed (11).

(11) See also, upon this latter point, *The King v. Road*.

(4) 2 Q.B. Rep. 500; s. c. 11 Law J. Rep. (N.S.) M.C. 71.

(5) *Ibid.* 505; s. c. 11 Law J. Rep. (N.S.) M.C. 80.

(6) *Ibid.* 513; s. c. 11 Law J. Rep. (N.S.) M.C. 115.

(7) *Ibid.* 541; s. c. 12 Law J. Rep. (N.S.) M.C. 74.

(8) 4 Ad. & El. 491; s. c. 5 Law J. Rep. (N.S.) M.C. 47.

(9) 2 East, 423.

(10) 1 B. & Ad. 362; s. c. 9 Law J. Rep. M.C. 8.

BAIL COURT. }
 1844. } THE QUEEN v. REYNOLDS
 Jan. 22. } AND HODGSON.

Commitment—Conviction—Stat. 9 Geo. 4. c. 69. s. 1.—Certiorari.

A commitment, setting forth an order of Quarter Sessions, confirming a conviction under 9 Geo. 4. c. 69. s. 1, and directing the gaoler to detain the parties at the expiration of the period of imprisonment awarded for their offence, until they shall find sureties and enter into recognizances that they shall not offend again for the space of one year from the conviction, instead of that they shall not so offend again, is bad.

Where the certiorari is taken away from a defendant, but not from the prosecutor, the Court will assume that the warrant of commitment contains a true recital of the conviction, unless it is brought before the Court by the prosecutor, though the recital shews the conviction to be bad.

The defendants being imprisoned in the house of correction at Wakefield, a writ of *habeas corpus* had been obtained, under which they were now brought up, and to which the governor made a return, setting forth that they were detained under a warrant of commitment made at the last Quarter Sessions for the West Riding of Yorkshire, of the substance of which the following is a copy:—"Upon hearing the appeal of Henry Reynolds, of &c., and Edward Hodgson, of &c., under the hands and seals of A. Brown and W. W. Whitaker, Esqs., two of Her Majesty's Justices of the Peace in and for the said riding, bearing date the 2nd of December last, at Micklethwaite, in the said riding, whereby the said H. Reynolds and E. Hodgson were convicted, for that they, the said H. Reynolds and E. Hodgson, within six calendar months then last past, to wit, on the 30th of November, A.D. 1843, in the night of the same day, that was to say, between the first hour after sunset on the 29th day of the said month of November, and the beginning of the last hour before sunrise on the succeeding day, to wit, about the hour of two o'clock in the morning of the said 30th of November, in the year aforesaid, at the township of Wetherby, in the said riding, by night, as aforesaid, did unlawfully and wilfully enter

into certain inclosed lands of one R. T. Willson, Esq., called Land Beck Wood, there situate, and were then and there unlawfully in the said land, each of them armed with a certain engine or instrument, called a gun, for the purpose of then and there taking and destroying game, contrary to the form of the statute in that case made and provided; and that they, the said Justices, did adjudge the said H. Reynolds and E. Hodgson, for their said first offence, to be imprisoned in the house of correction at Wakefield, in and for the said riding, and there kept to hard labour, for the period of three calendar months, and at the expiration of such period to find sureties by recognizance, each of them in the sum of 10*l.*, and two sureties in the sum of 5*l.* each, or one surety in the sum of 10*l.*, conditioned that each of them, the said H. Reynolds and E. Hodgson, should not offend again for the space of one year then next following. And the said Justices did further adjudge, that each of them, the said H. Reynolds and E. Hodgson, in case they should not find such sureties as aforesaid, should be further imprisoned and kept to hard labour in the said house of correction for the space of six calendar months, unless such sureties should be sooner found: it is ordered, adjudged, and determined, that the said conviction be affirmed, and that the said H. Reynolds and E. Hodgson shall, for their first offence, be imprisoned in the house of correction at Wakefield, in and for the said riding, and there kept to hard labour for the period of three calendar months, and at the expiration of such period shall find sureties by recognizance, each of them in the sum of 10*l.*, and two sureties in the sum of 5*l.* each, or one surety in the sum of 10*l.*, conditioned, that each of them, the said H. Reynolds and E. Hodgson, shall not offend again for the space of one year then next following. And it is further ordered, adjudged, and determined, that each of them, the said H. Reynolds and E. Hodgson, in case they shall not find sureties as aforesaid, shall be further imprisoned and kept to hard labour in the said house of correction for the space of six calendar months, unless such sureties shall be sooner found."

Pashley moved for their discharge, on the following among other objections to the commitment. The commitment directs the de-

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fendants to be imprisoned for three months; and that they shall, at the expiration of that period find sureties "that they shall not offend again." The statute 9 Geo. 4. c. 69. s. 1. only authorizes the Magistrates to require sureties that they shall not "so offend again;" as the recognizances required would be forfeited by any breach of the peace, this objection is fatal. The recognizances are also to be conditioned "that each of them shall not offend again." The defendants would thus become mutual sureties, and the sureties found by the one would become sureties for the conduct of the other. As it might be easy for a man to find sureties for his own conduct, who would not become sureties for that of his fellow prisoner, it is obvious that a longer term of imprisonment might thus be imposed. At all events, whether detrimental or not, the terms required by the statute are not pursued. The conviction, as recited, contains these defects, and, therefore, that is bad; and even if the commitment were good, that foundation for it fails.

Hall and Pickering, in support of the return.—The same strictness is not required in a commitment as in a conviction; and so long as it shews that a conviction has taken place before a competent authority, it will be supported. In *Paley on Convictions*, 234, 236, 3rd edit., the distinction between commitments in execution and commitments which, *per se*, operate as convictions, is pointed out; and it is there stated, that much greater latitude is allowed in the former than in the latter. The 78th section also provides, that no conviction or adjudication made on appeal shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. Then, this commitment shews that it is founded on a conviction; and from *The King v. Elwell* (1) it appears, that it is incumbent on those who seek to impugn the conviction to bring it before the Court. In *The King v. Taylor* (2), too, it was held, that in the absence of the conviction, the Court will assume it to be good, though it

would appear, from the recital in the commitment, to be bad. The proper mode by which the defendants ought to have raised the objection, if it existed in the conviction, was by bringing up a verified copy, as was done in *The King v. Mellor* (3). The stat. 3 Geo. 4. c. 23. s. 3. also enacts, that where the conviction shews that the defendant has appeared and pleaded, and the merits have been tried, and if an appeal is allowed, it has been affirmed upon appeal, such conviction shall not be afterwards vacated, in consequence of any defect of form, but the construction shall be such a fair and liberal one as shall be agreeable to the justice of the case. Every intendment is, therefore, to be made in favour of this conviction.

[WIGHTMAN, J.—No doubt there may be defects in a commitment which may not be fatal, but which would be so if they occurred in a conviction, but the difficulty is this: here it is from the warrant that the gaoler has authority to detain the prisoners, and it is necessary to see the precise terms on which he is to hold them: looking to the commitment, I find, that he is to do so until they find sureties not to offend again, generally; now suppose they should be prepared with recognizances not to offend again in the particular manner pointed out by this clause, but should not be prepared with recognizances in the terms of the warrant. It strikes me this is a defect of substance.]

The latter part of the conviction, which directs what is to be done in case the prisoners fail to find sureties, may be rejected. The Magistrates are merely required by the statute to fix the punishment for the offence, and what is to be done at the expiration of the period of the imprisonment is to be done by the gaoler.

[WIGHTMAN, J.—That does not agree with the averment, that the Justices do adjudge them to be further imprisoned until they find sureties.]

That is surplusage, for their duty did not require them to give any direction beyond the imprisonment for the three months.

[WIGHTMAN, J.—The only difficulty I feel, arises from the 78th section, which expressly declares, that no commitment shall be void by reason of any defect therein, if it be alleged that the party has been convicted,

(1) 2 Stra. 794.

(2) 7 Dow. & Ryl. 622.

(3) 2 Dowl. P.C. 174.

and there be a good and valid conviction to support it.]

Pashley.—If there were such a conviction, it was the duty of the prosecutor from whom the *certiorari* is not taken away, to have produced it—*The Queen v. Chaney* (4). Unless that be done, the Court will conclude that the recital of it contained in the commitment is accurate. The decision in *The Queen v. Chaney* was recognized and acted upon in *The Queen v. Fletcher* (5), and *The Queen v. King* (6).

[WIGHTMAN, J.—In *The Queen v. Fletcher* my Brother Patteson observes, that the gaoler ought to be able to ascertain from the commitment itself, for what period he is to detain the party, and that a defect in this respect is a defect in the warrant, and such as no conviction, however good, could cure. The same difficulty occurs here as to the time the gaoler is to keep the defendant; there it was uncertain by reason of the blank for the date, how long the imprisonment was to last, and here the parties are ordered to be detained till they find sureties not to offend again.]

Pickering.—The proper construction to be put upon those words is, that they shall not offend again in the same manner, or not to repeat the offence of which they have been convicted. That is the obvious meaning of the language used.

WIGHTMAN, J.—It appears to me, that the recognizances should have been, that the parties should not offend again in a particular manner, and not generally; the defect therefore appearing on this commitment is one of substance, and not simply of form. Then the statute which has been cited merely applies to formal defects, and does not remedy such defects as this. It may indeed, be argued, that the expression “not to offend again,” may mean not to offend again under this act; but even if that were the true construction, it would be met by another difficulty, namely, that several offences are created by the act, and the recognizances ought to be confined to this particular offence. Therefore the conviction being in this form, it is bad; and, I think, that *primâ facie*, I must assume that the

commitment correctly recites the conviction. It is for those who assert it to be in a different form to bring it before the Court. Independently, however, of the conviction, I think the commitment is bad in itself. The statute directs the condition of the recognizances to be, that the defendant shall not offend again in the same manner, and not that they shall not offend generally, and the gaoler is directed under the warrant to require recognizances for something more than he would be authorized by the act to demand. That might subject them to a longer term of imprisonment than the act warrants. The prisoners must therefore be discharged.

Prisoners discharged.

1844. }
Jan. 27. } *Ex parte* JOSHUA FLETCHER.

Felony, Committals for — Depositions, Copies of—Justice of the Peace.

Under section 3. of stat. 6 & 7 Will. 4. c. 114, persons committed to prison for re-examination, on charges of felony, are not entitled to demand copies of the depositions.

The right to copies does not attach, until the prisoner is held to bail, or committed to prison for trial.

It is the duty of the Magistrate to complete and sign the depositions as soon as they are taken.

This was a rule (Jan. 22), calling upon the Right Honourable William Magnay, the Lord Mayor of the city of London, and one of the keepers of the peace and Justices of the city, to shew cause why a writ of mandamus should not issue, directed to him, commanding him to deliver to Joshua Fletcher, or to his attorney, copies of the examinations of the witnesses respectively, upon whose depositions Fletcher had been from time to time and then stood committed to prison to the custody of the keeper of the Giltspur Street Prison.

From the affidavits upon which the rule was obtained, it appeared that Fletcher, having appeared as a witness for a person charged with forgery before the Lord Mayor, upon the 9th of December was himself charged as a party to the same offence, and committed to prison, to be again brought up for further examination; that on the 16th

(4) 6 Dowl. P.C. 289; s. c. 7 Law J. Rep. (N.S.) M.C. 65.

(5) *Ante*, M.C. 17.

(6) *Ante*, M.C. 43.

of December he was again brought before the Lord Mayor, when further examinations were taken against him, and he was again committed, and ordered to be further brought up on the 28th of December; that he was brought up again on the 28th, and committed again till the 9th of January; and that on the 9th he was brought up, and again committed till the 22nd for further examination. The affidavits then stated the depositions to be in the lawful custody of the Lord Mayor or his officers. The warrant of commitment was in these words: "To all and every the constables of the police force of the city of London, and the liberties thereof, and to the keeper of the Giltspur Street Prison. London, to wit.—These are in Her Majesty's name to command you, and every of you, forthwith safely to convey and deliver into the custody of the said keeper, the bodies of W. H. B. and Joshua Fletcher, they being charged before me, one of Her Majesty's Justices of the Peace, in and for the said city and liberties, by the oath of A. S. and others, with feloniously forging and uttering a certain testamentary writing, purporting to be the last will and testament of the said A. S., with intent to defraud our Lady the Queen, against the statute and peace, whom you the said keeper are hereby required to receive, and them in your custody safely keep, until Monday the 22nd instant, and then to be brought before me, or such other of Her Majesty's Justices of the Peace, as shall be then sitting at the Justice Room, Mansion House, in the said city, for further examination: and for your so doing this shall be to you and each of you a sufficient warrant. Given under my hand and seal this 9th day of January 1844. W. Magnay, Mayor." The affidavits also shewed a demand of the depositions. It was admitted, that at the time of moving the rule Fletcher was remanded for re-examination, and not committed for trial. The affidavits, in answer, stated, that the depositions were not completed, and had not been read over to, and signed by the witnesses, or signed by the Lord Mayor.

The Attorney General (Sir F. Pollock) and *Richards* shewed cause.—This question turns upon the construction to be put upon the statute 6 & 7 Will. 4. c. 114, which enables persons indicted of felony to make their defence by counsel or attorney; and it

will be contended, that prisoners who are committed from time to time, or remanded for further examination under charge of a felony, are entitled to copies of the depositions, as soon as they are taken against them in the course of the inquiry, and before the inquiry has terminated. Section 3. (1) contains the provisions applicable to this matter, but neither the words of that section, nor the general principle or object of the act, contemplate the granting a copy of the depositions pending the inquiry, and before commitment for trial. Those only who are held to bail, or committed to prison "for any offence," are entitled to copies of the depositions. Here, there has been no commitment for any offence, but only a commitment for further examination, upon the charge of an offence. The result of the inquiry may be, that the prisoner will be discharged, and not committed to prison, or held to bail for any offence. The title of the act is, to enable persons *indicted* of felony to make their defence by counsel or attorney, and clearly has reference to the time of trial. The first section also relates to all persons "tried for felonies." This statute is to be read in connexion with 7 Geo. 4. c. 64. s. 2, and it is submitted, that persons are not entitled to demand copies of the depositions until they are completed, and the examination is concluded by the prisoner being held to bail, or committed to trial for an offence.

(1) Sect. 3. "And be it further enacted, that all persons, who after the passing of this act shall be held to bail, or committed to prison for any offence against the law, shall be entitled to require and have on demand, (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examinations of the witnesses respectively, upon whose depositions they have been so held to bail, or committed to prison, on payment of a reasonable sum for the same, not exceeding three halfpence for each folio of ninety words: Provided always, that if such demand shall not be made before the day appointed for the commencement of the assize or sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge or other person to preside at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent for such Judge, or other person so to preside at such trial, if he shall think fit, to postpone such trial, on account of such copy of the examination of witnesses not having been previously had by the party charged."

Kelly and Ballantine, contra.—If the language of the statute is doubtful in this respect, the largest construction will be put upon it in favour of prisoners. The preamble of the act is not limited to a full answer and defence at the time of trial. The word "trial" does not occur there (2). It recites that every person "accused" of offences against the law, should be enabled to make their full answer and defence to "all that is alleged against him." That is equally applicable to an examination before the committing Magistrate, as after a bill has been found by a grand jury. Neither the statute 7 Geo. 4, nor this act, makes any distinction between a committal by way of remand, and an ultimate committal. There can be no committal, in fact, whether for further examination, or for trial, except upon suspicion; and in either case the committal is equally upon charge only of an offence, as the guilt is not proved or disproved before the Magistrate. What then is the meaning of the words "committed to prison" in section 3? A person committed to prison for a week, when he is to be again brought up for further examination, is not less "committed," than where the commitment is until the next sessions or assizes. Upon the words of this section, there would be equal room for contending, that copies of the depositions could only be given on commitments for re-examination, and not upon commitments for trial. The word "commit" is properly used upon a commitment for re-examination only—*Davis v. Capper* (3), 2 *Hale's P.C.* cap. 14. p. 120. It is no answer to state that the depositions have not been signed, as it is the duty of a Magistrate to complete, and put his signature to them, as they are taken. As therefore there is no ground for restricting the words "committed to prison" to a committal for trial only, copies of the depositions will be ordered to be given.

(2) Sect. 1. "Whereas it is just and reasonable that persons accused of offences against the law, should be enabled to make their full answer and defence to all that is alleged against them: be it therefore enacted, &c., that from and after the 1st day of October next, all persons tried for felonies shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto, by counsel learned in the law, or by attorney in courts where attorneys practise as counsel," &c.

(3) 10 B. & C. 32; s. c. 8 Law J. Rep. M.C. 67.

LORD DENMAN, C.J.—This rule must be discharged. The preamble of the act relates to making a full answer and defence upon the trial, to which the enactment of sect. 1. also refers; and it was not intended that the committing Magistrate should try the case, and see how far the guilt of the party was established or disproved. It would have been mischievous if the act had conferred such a power. The words which at first raised some doubt in my mind, are those in section 3, relating to the person having the custody of the depositions. I had some doubt, whether the words "on demand," coupled with a commitment, did not bring the case within the act. Here a demand has been made, and there has been a commitment, but not "for any offence." The distinction is well understood between a committal for an offence upon a conviction that the party ought to be put upon his trial and a committal by way of remand, until more information is brought before the Magistrate, so that he may determine whether he should commit for trial, or discharge the prisoner. It is necessary, for the due execution of criminal justice, that the Magistrate should have the power to refuse a copy of the depositions, where there is not enough before him to enable him to commit for trial, though there is sufficient to justify a detainer for further inquiry.

PATTESON, J.—I am of the same opinion. It appears to me, that the argument from the preamble is directly against those who support this application. It is true that it does not contain the word "trial," but, looking at the whole language, it is plain that the full answer and defence by counsel, applies to the trial. My judgment, however, is founded upon this, that the party is not committed "for the offence" until the Magistrate determines to send the case to trial: before that time he is only committed for re-examination and inquiry, which was the case here.

COLERIDGE, J.—The point is an important one, as if cases in this stage are within the act, the Magistrate will have no discretion in granting the depositions, but will be bound to do so, whatever the state of the case or situation of the parties charged may be, and although some are in custody, and some are not. The third section would rather appear to have been an after-thought. The pre-

amble of the first section is more applicable to the first two sections. The words "full answer and defence" occur both in the preamble and the enacting part; and it is most probable that they are used technically with reference to the trial. [His Lordship read the preamble and enactment.] But the question really turns upon section 3, and is, whether the party making the application is now "committed to prison for any offence." I am of opinion that he is not. A person committed for any offence may have a copy of the depositions "on demand." The words "such demand" occur afterwards, and refer to the preceding demand. What therefore is provided as to "such demand," applies also to the demand previously spoken of. [His Lordship read this part of the section.] There is no doubt that the words "such demand" relate to the trial. If the other construction is to prevail, it is immaterial whether the party is ultimately committed for trial, held to bail, or discharged. It could not have been intended, that a copy of the depositions should be given, where a prisoner may ultimately be discharged.

WIGHTMAN, J.—When the rule was moved before me, I considered the matter important, but entertained the same opinion as I do now, which is, that section 3. is not applicable where a party is committed for re-examination. [His Lordship referred to the preamble.] The third section goes beyond the preamble, and is not in terms confined to cases where there has been a committal for trial; but taking the whole of the provisions together, I am of opinion with the rest of the Court, that they do not apply to cases where the committal is for re-examination. That is not properly a committal for any offence, but a committal only upon the charge of an offence.

LORD DENMAN, C.J.—I wish to add, that we do not at all proceed upon the want of signature to the depositions by the Magistrate. It is the Magistrate's duty when the deposition has been made and signed by the witness, to put his signature to it, and to do so as each deposition is made.

Rule discharged.

BAIL COURT. }

1844.

Jan. 29. }

THE QUEEN v. SCOTT.

Loan Societies—Friendly Societies—Statute 4 & 5 Will. 4. c. 40—3 & 4 Vict. c. 110.

A society established for the purpose of lending the money raised by the contributions of its members to the members themselves, is not a friendly society within the statutes 10 Geo. 4. c. 56. and 4 & 5 Will. 4. c. 40.

A rule had been obtained in this case, calling on R. Shortbridge and J. W. Roxby, two of the Justices of the Peace for the county of Durham, to shew cause why a mandamus should not issue, commanding them to hear and determine the complaint of the South Shields Friendly Loan Society against John Scott, pursuant to the statutes 10 Geo. 4. c. 56. and 4 & 5 Will. 4. c. 40. The affidavits, on which it had been obtained, stated, that "the Investment Friendly Loan Society," held at South Shields, had been established in 1841, and its rules and regulations had been in that year certified by John Tidd Pratt, and allowed and confirmed at the Quarter Sessions, pursuant to those acts; that those rules, among other things, provided, that members should be ballotted for, and admitted at any time, upon paying subscriptions from the commencement, and the accumulated profits realized on each share; that the affairs should be conducted by a president, two trustees, a clerk, and two stewards; that each member should, every month, pay the sum of 10s. for each share, and 5s. for each half share, under a penalty; that the members should be entitled to 7l. 10s. on each half-share, and 15l. on each whole share, and that the privilege of receiving the same should be by drawing lots, or any other manner the committee might appoint; and that, if a share was not taken, it should be ballotted for, and the member to whom it should fall should be compelled to take it; that none but members should be entitled to shares, and no member should be indebted for more than 15l.; that members drawing their money should produce bondsmen, who should be members, for the payment of the subscriptions, interest, fines, and forfeitures accruing upon the same; that the shares should be transferable; and at the first meeting after the

inrolment of the rules, five arbitrators should be named and elected, to three of whom, chosen by lot out of the whole, all differences should be referred, pursuant to 9 Geo. 4. c. 56. s. 27. The affidavits then stated, that three persons were duly elected arbitrators at the first meeting, and J. L. Robertson and G. Gibson appointed trustees; that John Scott, being a member, afterwards obtained a share, value 15*l.*, and gave the following note as security:

"South Shields, Nov. 30, 1841.

"On demand, we jointly and severally promise to pay J. Robertson and G. Gibson, trustees for the time being of the Investment Friendly Loan Society, the sum of 15*l.*, value received. (Signed,) J. Scott, J. Greaves, W. Davies."

On the 19th of April 1843, J. Scott being in arrear for his contributions to the amount of 4*l.* 14*s.*, refused payment, whereupon a notice of the intention of the arbitrators to determine the dispute between him and the society was duly served, and they, on the 16th of May 1843, awarded him to pay those arrears. Notice of this award was given to him, the amount demanded, and payment refused, whereupon he was summoned before the two Magistrates, who, having heard the facts, refused to adjudicate upon them. From the affidavits, in answer, it appeared that the mode of conducting the business of the society was as follows: that whenever there were any surplus funds, a share, nominally 15*l.*, was put up for sale to the highest bidder, by giving three slips of paper to each member present, and on one of them the member wrote the amount of premium he was willing to give for the preference of having the loan, and handed it to the president, who then announced the highest sum bid, without mentioning the name of the bidder, and this course was gone through a second and third time, after which the name of the highest bidder was announced, and he became entitled to the loan. By these means large premiums were procured for the loan, sometimes 6*l.* or 7*l.*, in the case of Scott, a premium of 6*l.* 17*s.* 6*d.* The amount of the difference only between the 15*l.* and the premium was paid to the purchaser of the share, and he, with two sureties, gave a promissory note to the trustees for 15*l.* and interest on that sum, although he had in fact, if the premium were, say 6*l.*, only

received 9*l.* It further appeared, that Scott had, by his subscriptions and otherwise, paid the whole amount he had actually received, with the exception of 4*s.* 6*d.*, and that many of the members speculated on the society as the means of realizing a large amount of profit, by forcing large bonuses from the members who were in great need of money, and then transferring their shares at a proportionate premium.

Knowles and Atherton, on behalf of Scott, and—

Sir J. Bayley, on behalf of the Magistrates, shewed cause.—This society cannot avail itself of the provisions of the statute 3 & 4 Vict. c. 110, inasmuch as the note is not given to the treasurer, as required by section 16; and section 24. also contains an express provision, that the society shall forfeit its protection if the loans are made dependent upon any chance, lot, or other gambling device. Independently of all other objections, these are fatal obstacles to any attempt to enforce payment under that act; and the only remaining question is, whether this can be deemed a friendly society within 10 Geo. 4. c. 56, and 4 & 5 Will. 4. c. 40. Now, the 10 Geo. 4. c. 56. is confined to societies for the mutual relief and maintenance of all and every the members thereof, their wives or children, or other relations, in sickness, infancy, advanced age, widowhood, or any other natural state or contingency, whereof the occurrence is susceptible of calculation by way of average. It is obvious, that the want of pecuniary means arising from any cause whatever, is not such a state or contingency whereof the occurrence is capable of calculation, and this society cannot be deemed to be included in that act, even were the objects confined to such a state of necessity alone. The later statute, however, uses a larger language, and in section 2, after reciting that it is expedient to extend the object or purpose for which societies regulated by it may be established, enables persons to form themselves into a society for the relief and maintenance of all and every the members thereof, their wives, children, relations, or nominees, in sickness, infancy, advanced age, widowhood, or any other natural state or contingency, whereof the occurrence is susceptible of calculation by way of average, or for any other purpose which is not illegal." These latter words, if they stood alone, would certainly comprise the society in question, but

following as it does an enumeration of particular societies, it must, according to the well established rule be restricted to societies *ejusdem generis*. Now this society bears no resemblance to them, for it does not include contingencies which are in any way susceptible of calculation by way of average; neither does it provide relief against sickness, infancy, advanced age, or widowhood, or any calamity or misfortune resembling them. The loan may be to the most robust, for it depends entirely upon the highest bidding; neither is it confined to a state of necessity or want, for the most wealthy may bid, and if there be no bidder then the most prosperous man may be compelled to take the loan. If this society falls within any act, it comes within the Loan Societies Acts, for its very title, "The Investment Friendly Society," shews what its objects are; and it can hardly be contended that the legislature contemplated loan societies as coming under the 4 & 5 Will. 4. c. 40; for had they been included, the 5 & 6 Will. 4. c. 23, passed in the immediately succeeding session, and 3 & 4 Vict. c. 110, expressly regulating such societies, would have been unnecessary. Those two latter statutes treat them as perfectly distinct. If such an association as this were deemed to be included in the 4 & 5 Will. 4. c. 40, every mutual insurance society would come under it. There are, however, fatal objections distinct from this: in the first place, the rules have not been strictly complied with, and the full number of arbitrators has never been chosen, and the adjudication of the only three appointed is void. At all events, the question cannot be deemed so free from doubt as to warrant the Court in compelling the Magistrates, by mandamus, to act, and the Court also will not issue the writ, where it is clear the inquiry could have no result—*The Queen v. the Trustees of Northwich Savings Bank* (1).

Temple, in support of the rule.—It may be admitted, that the society cannot insist upon the provisions of the statute 3 & 4 Vict. c. 110. This, however, is a society for other purposes, not illegal within 4 & 5 Will. 4. c. 40. There is a vast number of similar societies in the north, and they have always been considered as coming within the purview of that act. It is not a loan society, for a loan society in its legal sense must deal with

persons who are not members, though it may advance money to its members also; the operations of this society are confined to the members alone. In *Silver v. Barnes* (2) it was held, that advancing money precisely in the same manner as this, to a member of a like society, was not a loan, and, consequently, that the taking of more than 5l. per cent. was not usurious. It was considered to be an advance out of the partnership funds, and not to be a loan. The purpose for which this society is established, is of a similar character to those mentioned in the previous recapitulation in 4 & 5 Will. 4. c. 40; it is for the mutual support and advancement of the members in business. The facts stated in the affidavits in reply may form an answer, but these ought to be shewn before the Magistrates, when the applicants would have the means of disputing them.

WIGHTMAN, J.—It appears to me that this is not a society within the meaning of the statute 4 & 5 Will. 4. c. 40. s. 2, as the words "other purpose which is not illegal," I think must be deemed to have reference to the particular purposes which are before specified, and such as may in some sort form the subject of calculation. If it were not so, it would involve this difficulty, that there would be no limit, and that those terms would include insurance and numerous other societies. There are two other circumstances also which influence my judgment, and induce me to think that this is not a society within that statute. There are distinct acts which regulate loan societies, and the 2nd section of 5 & 6 Will. 4. c. 23. actually recognizes them as differing from friendly societies, and those acts would certainly include the society in question. It is indeed true, that it does not grant loans to persons who are not members, but it is merely one of its rules which prevents it from doing so, and a fresh rule may at once grant this power. The object of almost every loan society is to afford assistance to its members principally; its benefit is generally most felt by them, and it is quite optional whether they will restrict its operation to that class of persons alone. It seems to me that this society does not come within the act, and therefore that this rule must be discharged.

Rule discharged, with costs to the Justices only.

(1) 9 Ad. & El. 729; s. c. 8 Law J. Rep. (n.s.) M.C. 24.

(2) 6 Bing. N.C. 180; s. c. 9 Law J. Rep. (n.s.) C.P. 118.

1844. }
Jan. 27. } *Ex parte* ELI ORMEROD.

Master and Servant—Statute 4 Geo. 4. c. 34. s. 3.—Designer.

A designer who invents and draws patterns, to be afterwards engraved on rollers, to be used in calico-printing, is liable under 4 Geo. 4. c. 34. s. 3, for misconduct in the execution of his contract of service.

The defendant had been committed to the house of correction, at Preston, under the warrant of two Magistrates, dated 21st of December 1843, which stated him to have been charged upon the oath of Robert Hargreaves, of &c., calico-printer, for that he, the said Eli Ormerod, did, on the 15th of September 1842, at New Accrington aforesaid, contract with the said R. Hargreaves, John Hargreaves the younger, J. Hargreaves, and J. Hargreaves the elder, his partners, to serve them as a designer for the term of five years, from the 2nd day of September 1842, and that the said Eli Ormerod having entered upon such service accordingly, afterwards, and whilst he was in such service, to wit, on the 19th of December inst., at New Accrington aforesaid, and on other days and times, was, in the execution of the said contract, and otherwise respecting the same, guilty of divers miscarriages, misdemeanours, misconduct, and ill-behaviour, and particularly was then and there guilty of certain misconduct, by then and there unlawfully copying and embezzling certain patterns used in calico-printing, and burning or otherwise destroying certain other patterns of the description aforesaid, the property of his said masters. The warrant then proceeded to adjudge the complaint to be true, and to sentence the defendant to imprisonment.

Wigham moved for a *habeas corpus*, upon an affidavit, which stated that a designer was not a servant within the purview of the statute 4 Geo. 4. c. 34, and that his business was that of an artist, and that he was required by his employers to form designs and plans and ideas for the producing of patterns to be afterwards engraved upon copper rollers, and that he did not at any time do anything connected with calico-printing. The affidavit also negatived his being a servant of the classes mentioned in the statute, or his being a person of the like

description. A pattern designer is a mere artist, and does not fall within the meaning of either of the statutes, 20 Geo. 2. c. 19. or 4 Geo. 4. c. 34. s. 3. The only terms contained in either of them, within which it could even be contended that he was included, are "artificer or other person," but he is no more an artificer than the architect who draws the plan of a house. He is not engaged in the manual occupation of any trade, but simply invents patterns, and commits them to paper.

[WILLIAMS, J. referred to *Louther v. Lord Radnor* (1).]

The words "other person" follow after the words "servant in husbandry, or any artificer, calico-printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, and labourer," in s. 3. of 4 Geo. 4. c. 34; and they must, therefore, be confined to persons pursuing similar occupations to those enumerated; but the employment of a pattern designer is very different from them; and if those words would not include it, clearly the terms "other labourers," in the earlier statute, would not. If some restriction were not put upon those terms by the prior enumeration, every person employed in the capacity of a servant would be included; but it has been held, that menial servants, and also that a person employed to keep possession of goods seized under a *fi. fa.*—*Bramwell v. Penneck* (2)—are not within its provisions. The pattern designer is of a higher grade; he is really an artist, receiving in many instances a very large salary, and not at all of the humble character of the persons enumerated. The warrant of commitment is also defective, inasmuch as it does not shew that the defendant is within the purview of the statute; it merely describes him as a designer; it does not say of what; it ought to have shewn that his duties were of a nature to bring him within the language of the act, as an "other person," or it should have followed the words, and called him an artificer. The warrant must shew that the defendant was a person over whom the Magistrates had jurisdiction—*Ex parte Johnson* (3).

Cur. adv. vult.

(1) 8 East, 113.

(2) 7 B. & C. 536; s. c. 6 Law J. Rep. M.C. 47.

(3) 7 Dowl. P.C. 702; s. c. 9 Law J. Rep. (N.S.) M.C. 27.

WILLIAMS, J.—I entertain the same impression in this case as I originally did, for I cannot conceive that the term “artificer,” used in the statute, is confined to those instances only in which great manual labour is required. If it were so, then only those persons would be liable under it who are engaged in the most laborious processes. The person in question plays a very important part in the particular branch of the manufacture of cotton, in which he is engaged; he sets the whole proceedings in motion, and certainly falls within the purview of the act. Then, although there are none of the words mentioned in the act itself contained in the warrant, yet it sets out the nature of the employment sufficiently to bring him within it. I am quite aware that where an act of parliament contains a general description following a prior particular designation, the former is to a certain extent controlled by the latter, and must be considered to mean persons of a similar class; but even then I am not prepared to say, that the occupation of the party here was so different from the employment of the persons specified, as not to bring him within the words “or other person,” mentioned in the act.

Writ refused.

1844. } THE QUEEN v. THE INHABITANTS OF HIGH BICKINGTON.
April 20. }

Examination—Chargeability, Evidence of.

The pauper in her examination before the Magistrate, stated, “I and my children are inhabitants of the parish of A, and are chargeable to the said parish of A.” The relieving officer stated, “I am one of the relieving officers of the Barnstaple Union, and administer the relief ordered for the paupers of the said parish of A. The said A. F. (the pauper) and her four children (naming them) are now chargeable to the said parish of A”:—Held, not sufficient evidence of chargeability.

Upon appeal against an order of two Magistrates of the county of Devon, dated August 5, 1843, for the removal of Ann Ford and her four children from Atherington to High Bickington; the Sessions confirmed the order, subject to a case, of which the following are the material parts:—

The pauper, Ann Ford, in her examination before the removing Magistrates, stated, “I and my said children are inhabitants of the said parish of Atherington, and are chargeable to the said parish of Atherington.” John Penson, relieving officer, said, “I am one of the relieving officers of the Barnstaple Union, and administer the relief ordered for the paupers of the said parish of Atherington. The said Ann Ford, and her said four children, namely, Thomas, Mary Ann, Tryphena, and John, are now chargeable to the said parish of Atherington.” Both these examinations bore the same date with the order. The grounds of appeal were, first, that the order of removal, the examinations on which it was made, and the notice of chargeability sent to us thereupon, are respectively bad on the faces thereof. Secondly, that the said examinations contain no legal evidence that the said Ann Ford and her said four children, or any of them, were chargeable to the said parish of Atherington at the time of the applications for making the said order of removal. The Court of Quarter Sessions considered that there was sufficient evidence of chargeability, and confirmed the order.

The question for this Court was, whether there was sufficient evidence of the chargeability of the paupers to Atherington, at the time of their removal, before the removing Magistrates; the order of Sessions to be quashed or confirmed accordingly (1).

Rowe and Bevan, in support of the order of Sessions.—By statute 35 Geo. 3. c. 101. s. 1, persons actually chargeable are removeable, and it is not sufficient that they are likely to be chargeable. The examination of the pauper and the overseer both disclose sufficient chargeability. In each of them it is distinctly stated, that the pauper and her children are chargeable; the statement has reference to that time when the parties were before the Magistrates, and the case states that the order was made upon the same day upon which the examinations were taken. They were then a bur-

(1) Another question for the consideration of this Court was, whether the examinations were insufficient, as there was nothing in the heading of them, or any of them, to shew that the Justices before whom they were taken, were Justices for the county of Devon. No judgment was given upon that point.

then to the applying parish, and therefore removeable. The Court will not weigh the amount of legal evidence. The examination is sufficient, if it discloses any—*The Queen v. Ecclesall Bierlow* (2), *The Queen v. Lydeard St. Lawrence* (3). The certificate of chargeability created by the statute 5 & 6 Vict. c. 57. s. 17, has not superseded the usual proof of chargeability, but only provided what shall be "sufficient proof," where it is proposed to prove chargeability by means of a certificate.

Merivale, contra, was not called upon.

LORD DENMAN, C.J.—I am of opinion that this statement of chargeability is not sufficient. The words made use of in the examination, are a conclusion of law, and the appellants are entitled to ask for evidence, that in point of fact the parties have been relieved.

PATTESON, J.—The relieving officer may just as well use words which will put the matter beyond doubt, and say that he has relieved the paupers.

WILLIAMS, J. and WIGHTMAN, J. concurred.

Order of Sessions quashed.

1844. } THE QUEEN v. THE INHABITANTS OF BEDINGHAM.
April 20. }

Order of Removal—Complaint by Overseers, Sufficiency of—Grounds of Appeal.

The complaint to be made by the churchwardens and overseers, under the statute 13 & 14 Car. 2. c. 12, prior to an order of removal, is not required to be in writing.

Where, therefore, there was a complaint, in writing, by one overseer only, but the order was made upon "complaint by the overseers," and it was also admitted, at the sessions, that it had been made "on behalf of the parish officers, and with their consent," the complaint was held sufficient.

An examination set out a settlement by hiring and service, and also several instances of relief given by the appellant parish to the pauper and his family, while residing in the respondent parish. There were several

grounds of appeal to the settlement, and amongst others, that the pauper never acquired a settlement in the said parish of E. (the appellant parish) either by hiring and service with the said J. S. (the master) or by any other means. Upon the hearing of the appeal the respondents gave no evidence of the actual settlement, but proved the instances of relief set out in their examination:—Held, that under the above ground of appeal the appellants were at liberty to shew that they had given the relief under a mistake.

This was an order of two Justices of the county of Norfolk, for the removal of Peter Quantril, his wife, and six children, from the parish of Bedingham to the parish of Earsham, both in Norfolk. At the Quarter Sessions, holden at Norwich, in March 1843, the Court quashed the order, subject to a case, which raised the questions of the sufficiency of the information or complaint, and of the grounds of appeal. The information was as follows:—"Norfolk, to wit. The information and complaint of John Smith, of the parish of, &c., in the said county of, &c., taken upon oath, this 25th day of January 1843, before two of her Majesty's Justices of the Peace, acting in and for the said county of Norfolk, who saith, *I am one of the overseers of the poor of the parish of Bedingham, in the said county of Norfolk. Peter Quantril, aged, &c., (then followed the names of the wife and the six children, and their ages) have come to inhabit in the said parish of Bedingham, not having gained a legal settlement there, nor produced any certificate, acknowledging them to be settled elsewhere; and they are now actually become chargeable to the same parish. Wherefore I pray that the said Peter Quantril, may be examined, &c. Signed, John Smith.*" The recital of the order (after the usual heading) was as follows:—"Whereas complaint has been made unto us, &c., *by the overseers of the poor of the said parish of Bedingham:*" and it then proceeded and concluded in the common form. The examination of Peter Quantril, which formed part of the case, stated a hiring with a Mr. John Spilling, at Earsham, and a service under it; and after stating his marriage, and the births of the children, &c., concluded thus: "In several of my wife's confinements, on the birth of

(2) 11 Ad. & El. 607; s. c. 10 Law J. Rep. (N.S.) M.C. 90.

(3) Ibid. 616; s. c. 10 Law J. Rep. (N.S.) M.C. 147.

the above children, and whilst residing in the parish of Bedingham, I have been allowed, by the overseers of the parish of Earsham, at the expense of that parish, a surgeon to attend my wife; and whilst residing in Bedingham, I have been repeatedly relieved, by the overseers of Earsham, with money. From the second year of my marriage, down to about five years ago, I have received from the overseers of Earsham, though living in Bedingham all that time, some money,—distributed from a parish charity of Earsham, to persons belonging to Earsham. I and my said wife and six children are residing in the parish of Bedingham, and chargeable to that parish." The first ground of appeal was, that the said order was not, and does not purport to have been made upon the complaint of the *overseers* of the poor of Bedingham, but of John Smith only, described as being one of such overseers; and that it does not appear on the face of his information, on which the said order was founded, that he was authorized by the churchwardens and overseers, or by the overseers or guardians of Bedingham, to make such complaint and information, on his own and their behalf. (The four next grounds of appeal raised questions upon statements in the pauper's examination as to his hiring and service with Mr. John Spilling, and are not material). The sixth ground was, that if the said Peter Quantril was hired by the said John Spilling, for a year, such hiring was dissolved, before the expiration of the year; and that the said Peter Quantril never acquired a settlement in the said parish of Earsham, either by hiring and service with the said John Spilling, or by any other means." There were also other grounds of appeal, which are not material. The case then stated, that, upon the trial, as to the first ground of appeal it was admitted that the application was made on behalf of the parish officers, and with their consent; and the Court decided, upon that point, in favour of the respondents. Evidence was then given, by the respondents, of relief given by the appellant parish, out of the poor-rate of that parish, to the pauper, occasionally, for a period of twenty years, whilst he was residing in the respondent parish. The appellants then called on the Court to allow them to shew that such relief had

been given, under the mistaken belief that the pauper had gained a settlement in their parish, by his hire with Mr. Spilling, as stated in the examination. To this the respondents objected, on the ground that the notice did not state this as one of the grounds of appeal. The Court then permitted the appellants to call the paupers, with reference to this point (1), who, on examination, also admitted that seven or eight years previous to the present order, he was examined before Magistrates, at a petty sessions, respecting his settlement, on the application of, and whilst he was residing in, the respondent parish; and that the Magistrates refused to make an order, since which he had been relieved several times by the respondent parish, whilst resident in it. The Court of Quarter Sessions quashed the order of removal, and submitted two questions for the consideration of this Court:—First, Whether there had been a sufficient complaint, to give the Magistrates jurisdiction to make the order, and whether the examinations, upon which the said order was made, are sufficient, in law, to support it. Secondly, whether the Court ought to have admitted the appellants to give the evidence objected to.

B. Andrews and *Gunning*, in support of the order of Sessions.—The information and complaint, being by one overseer only, was insufficient. The statute 13 & 14 Car. 2. c. 12. enacts, "that it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any Justice of the Peace, within forty days after any such person or persons coming so to settle as aforesaid," for any two Justices to remove—*The Queen v. the Justices of Cambridge-shire* (2), *The King v. Harely* (3), *Weston Rivers v. St. Peters* (4), *The King v. Beeston* (5), *The King v. the Justices of Lancashire* (6). The other overseers may dissent from the application, and yet, if the

(1) It appeared that the respondents at the trial had given no evidence of the hiring and service with Mr. Spilling, but relied in proof on that part of their examination only above set out, which disclosed evidence of settlement by relief.

(2) 7 Ad. & El. 480; s. c. 8 Law J. Rep. (n.s.) M.C. 6.

(3) Andr. 361.

(4) 2 Salk. 492.

(5) 3 Term Rep. 592.

(6) 5 B. & Ald. 755.

complaint may be made by one, the whole parish would be affected by the expenses. Secondly, the sixth ground of appeal was sufficient to let in the appellants to prove that the relief had been given by their parish, under a mistaken idea that the pauper was settled with them. The respondents do not attempt to prove the actual settlement by hiring and service with Mr. Spilling, but rely upon the relief, which is only evidence of a settlement. The ground of appeal amounts to an admission that relief was given, but under such circumstances as to give no settlement, and the evidence received manifestly shews that the relief, in this case, did not confer a settlement. The ground of appeal could not have correctly stated, that no settlement was gained by relief, as there is no head of settlement by relief, nor does the examination allege a settlement by relief.

Archbold and Palmer, contra.—As to the first point, the statute does not require the complaint of the churchwardens or overseers to be in writing; and though it is conceded that the majority of the officers must concur in the complaint, it is admitted that they did so in this case; and the order also recites a complaint, "by the overseers of the poor of the said parish of Bedingham." The cases that have been cited, therefore, are inapplicable. Secondly, instances of relief given are a good ground of removal alone, and if a settlement by hiring and service be defectively stated in the examination, which also contains evidence of settlement by relief, the hiring and service may be abandoned, and the relief only relied upon—*The Queen v. the Justices of Caernarvonshire* (7), *The Queen v. the Inhabitants of Camrose* (8). But here there was no ground of appeal which would admit the appellants to contest either the fact of relief, or its effect. The grounds of appeal should either deny the statements in the examination, or confess and avoid them; but neither is done here. The respondents cannot, in proof, go beyond "their grounds of removal," nor the appellants beyond their statement of appeal. The sixth ground of appeal does not say that relief was not

given, nor allege that it was given under a mistake. The respondents receive no information from this ground of appeal, that the appellants intend to say that they were deceived when they gave this relief.

[PATTESON, J.—Suppose the examination had set out instances of relief only, and the appellants in the grounds of appeal had said, "it is true relief was given, but the party gained no settlement;" although the removing parish might not be called upon to prove the relief, it by no means follows that the appellants might not dispute the effect of it.]

That the party did not gain a settlement "by any other means" is too general.

LORD DENMAN, C. J.—I am of opinion that the Sessions were right in quashing the order. They did so subject to our opinion upon the two questions they have asked. Upon the first, there was a sufficient complaint to give jurisdiction to make the order. The written complaint is at the instance of one officer only, but the order itself recites the complaint of all; and more than that, the case finds as a fact that the complaint was made "on behalf of the parish officers, and with their consent." Upon the second question, the Court were right in allowing the appellants to give the evidence they did. The examination first discloses an alleged settlement by hiring and service, and then states relief given under particular circumstances as evidence of a settlement. As it has been put by my Brother Patteson, the relief alone would be sufficient ground for removal, and the appellants would be at liberty to shew that it had been given by mistake. But the case is still stronger where the respondents proceed in the first instance to set out the settlement, which was subsequently acknowledged by relief, as although the settlement itself be so defectively stated, that the respondents cannot be let in to prove it, yet the subsequent relief strengthens the supposition that there was a settlement. The appellants by their grounds of appeal in effect say, that though relief was given, no settlement was ever gained. They were perfectly at liberty to shew this, and appear to have done so effectually.

PATTESON, J.—I am also of opinion that the Sessions were right. As to the insufficiency of the complaint, the answer that

(7) 11 Law J. Rep. (N.S.) M.C. 3.

(8) 2 Q.B. Rep. 330.

has been given by reference to the statute, which does not require to be in writing, has removed that difficulty. The complaint had the concurrence of the other officers, as was admitted at the sessions. The suggestion, therefore, that the complaint might be made by one officer, while the others were averse to it, has no bearing here. The Magistrates, also, make the order on the complaint of all. Next, as to the examination and the grounds of appeal. It is said that the appellants must deny, or confess and avoid. I am of opinion that the sixth ground is tantamount to saying, We gave the relief in error. It is not a denial that relief was given, but that any settlement was gained from such relief.

WILLIAMS, J.—The case raises two questions. Upon the first, Mr. Archbold has given an answer to the cases cited by Mr. Andrews. This is neither the complaint of a stranger, or one officer, but made by one, with the authority of all. The Sessions on the second point were also right in allowing the appellants to shew that the relief was given by mistake. The respondents abandon proof of the actual settlement, and rely upon proof of *evidence* of a settlement, which the other side should be allowed to meet.

WIGHTMAN, J.—On the first point, the statute does not require the complaint to be in writing; and the order shews the complaint was by all. As to the other point, relief is only evidence of some settlement. It is said that the appellants should deny, or confess and avoid, the statements in the examination. They admit relief was given, but say that it was given under such circumstances that it amounts to no acknowledgment of a settlement. They could not deny any specific settlement supposed to have been acknowledged by relief, as none was stated in the examination.

Order of Sessions confirmed.

1844. } THE QUEEN v. THE JUSTICES
April 25. } OF KESTEVEN.

*Mandamus—Examination, Sufficiency of—
Grounds of Appeal—Sessions—Case.*

*Where the Quarter Sessions have dismissed
an appeal against an order of removal, and
have granted a case, which the applicants*

*for the case have not brought up, the Court
will not, at their instance, unless under spe-
cial circumstances, grant a mandamus to the
Court of Quarter Sessions, to enter continu-
ances and hear the appeal.*

*The question, whether the statement of
grounds of appeal contains sufficient particu-
larity, is for the Sessions to determine; and
where they have decided it to be insufficient
to let the appellants into their case, this Court
will not grant a mandamus to the Court of
Quarter Sessions to enter continuances and
hear the appeal; overruling The Queen v.
the Justices of Carnarvonshire, 2 Q.B. Rep.
325; and The Queen v. the Justices of the
West Riding, *ibid.* 331.*

*If, upon an objection to the examination,
or grounds of appeal, that they are not
sufficiently particular to enable the parties
respectively to go into their case, the Justices
consider the matter so doubtful as to grant a
case upon the point, they should, neverthe-
less, proceed to hear the evidence, and decide
upon the appeal, subject to a case; but if
they entertain no doubt that the objection is
a valid one, and therefore decide that the
party cannot be admitted to prove his ex-
amination, or grounds of appeal (whichever
it may be), no case should be granted.*

A rule *nisi* had been obtained, calling upon the Justices of the Peace for the parts of Kesteven, in Lincolnshire, to shew cause why a writ of mandamus should not issue, to command them to cause continuances, at their next General Quarter Sessions, to be entered upon the appeal of the churchwardens and overseers of the parish of Great Ponton, against an order of two Justices, for the removal of Miriam, the wife of William Welbourne, and her four children, from the township of Spittlegate, to the parish of Great Ponton, and to hear and determine the merits of the appeal. It appeared by the affidavits that the order was made in September 1843, upon examinations setting out a settlement by an apprenticeship, in 1828, for six years, of Wm. Welbourne, to one John Green, in the parish of Great Ponton, and a statement of his sleeping the last night of the apprenticeship in Great Ponton. Amongst other grounds of appeal, the second ground stated, that Wm. Welbourne, after his service with John Green for part of the term of the apprenticeship, with the

consent of his master, to wit, from May or June 1833, to the end of the same term, served one Samuel Nowell, of Grosvenor Wharf, Pimlico, in the county of Middlesex, builder, under the said indenture, in the said examinations respectively mentioned, in the parish of Harlaxton, in the said parts of Kesteven, in the said county of Lincoln, and inhabited and resided therein more than forty days during such service, being then single and unmarried, and without child or children. At the hearing of the appeal, at the October Sessions 1843, the respondents proceeded to prove their case; and after stating that a forty days' residence in the appellant parish was admitted by the appellants, and therefore a *prima facie* case for the respondents was shewn, which it was for the appellants to get rid of, then objected that the appellants were not entitled to be heard upon the above ground of appeal, and to shew that the settlement under the indenture was in Harlaxton, because the statement of the grounds of appeal did not set forth the particular house in Harlaxton in which Wm. Welbourne resided, during the time he served under the indenture in the parish of Harlaxton, and did not specify or particularize the house by the name of the landlord, or in any other manner. The Justices determined that the statement of the grounds of appeal was insufficient in particularity for the above reasons, and that they could not receive any evidence in support of such alleged settlement; and the Justices, therefore, confirmed the order of removal, subject to a case for the opinion of this Court, in manner following: that is to say, that if the Court should be of opinion that the statement of grounds of appeal was insufficient in particularity, then the order of removal to be confirmed; but if the Court should be of a contrary opinion, then that continuances should be entered, and the Justices should proceed to hear the appeal. The affidavit further stated, that the appellants had witnesses in support of their statement, whom they were prepared to call, and should have called, if they had been allowed to do so by the Justices. The affidavit then went on to state that the deponent (the attorney for the appellant,) had been informed that this Court had lately declared an intention not to enter upon or decide cases sent from the

Courts of Quarter Sessions, upon appeals against the removal of paupers, where the opinion of this Court would not be *conclusive* of the appeal, upon the hearing of which the points had arisen; and that if that intention should be adhered to, from the mode in which the opinion of the Court was asked in this case, such case would not be entertained if brought up, and the appellants would be without remedy, unless the Court would grant a writ of mandamus to the Justices to enter continuances and hear the appeal.

Mellor now shewed cause, and contended, first, that, as the appellants had applied at the Sessions for a case, which had been granted to them, and which they had not brought up, they were not at liberty to apply to this Court for a writ of mandamus. He cited upon this point, *The King v. the Justices of the West Riding* (1), *The Queen v. the Justices of Suffolk* (2), *The King v. the Justices of Northamptonshire* (3).

Whitehurst, contra.—The affidavit explains this application for a mandamus, and the reasons for not proceeding with the case that was granted. Those reasons will distinguish this from the cases cited. It is clear from several late authorities, which had not at the time this case was granted become generally known, that, if upon the statement of a case for this Court, it is, in certain events, to go back to the Sessions to be re-heard, this Court will not entertain it. The Court requires that their decision should put an end to the appeal one way or the other, and that the Sessions, under these circumstances, should proceed to hear, subject to the objection, and a case ultimately upon it, if necessary—*The Queen v. the Inhabitants of Wistow* (4). The appellants applied to have their evidence heard.

[PATTESON, J.—It does not appear that you objected to a case in this form.]

Probably the parties were not aware of the decisions.

(1) 1 Ad. & El. 606.

(2) 6 Ibid. 109; s. c. 6 Law J. Rep. (N.S.) M.C. 37.

(3) Ibid. 111, n.

(4) 1 Gale & Dav. 684; s. c. 10 Law J. Rep. (N.S.) M.C. 112.

Per Curiam.—This case may be proceeded with.

Mellor.—There are, then, two conclusive answers to this application. First, the Court of Quarter Sessions have heard and decided the matter. They have not declined jurisdiction, and a question of sufficient particularity in grounds of appeal, is peculiarly a matter for that Court. They have entertained the question, and disposed of it; and therefore, at all events, no writ of mandamus can be directed to them. This Court has no means of judging of sufficient particularity. It is a mistake to call this a preliminary point. It is a hearing, and upon the merits—*The Queen v. the Inhabitants of Charlbury and Walcott* (5), *The Queen v. the Inhabitants of Kingsclere* (6). This is in effect an application to compel the Justices to come to a particular conclusion, which will not be granted—*The King v. the Justices of Middlesex* (7), *The King v. the Inhabitants of Frieston* (8), *In re Pratt* (9). Reliance, by the other side, will be placed upon *The Queen v. the Justices of Carnarvonshire* (10); but that case does not appear to have been sufficiently considered, and is at variance both with later and earlier authorities. Secondly, the Court of Quarter Sessions decided rightly, that the statement of the grounds of appeal was insufficient—*The King v. the Justices of Derbyshire* (11), *The Queen v. the Inhabitants of Pontefract* (12), *The Queen v. the Justices of Sussex* (13).

[LORD DENMAN, C.J.—It is inconsistent with your former argument to enter into this.]

Whitehurst, contra.—The decision here having been upon a preliminary objection, and the appellants not having been heard, the Court will grant a mandamus. There are two cases precisely in point—*The*

Queen v. the Justices of Carnarvonshire, and *The Queen v. the Justices of the West Riding* (14). No attempt has been made to distinguish those cases from the present, and it is clear here that the merits have not been inquired into.—(He was then proceeding to discuss the sufficiency of the grounds of appeal, but the Court intimated that their decision would not be affected by this consideration.)

LORD DENMAN, C.J.—This discussion furnishes one ground for satisfaction, which is, that it must now be taken to be generally known, that the Court of Queen's Bench will not entertain a case in such a stage of it, as that their decision may merely operate to put the Court below in motion. That Court is first to decide upon the case in one way or another, and upon that adjudication, where our opinion is required, we are willing to say which way, upon the whole matter, the final decision should be; but this discussion also obliges us to come to conclusions not so satisfactory; as it compels us to overrule two decided cases, namely, *The Queen v. the Justices of Carnarvonshire*, and *The Queen v. the Justices of the West Riding*. In the first, it was certainly contended that a writ of mandamus could not issue under such circumstances as the present; but in the second, though the writ issued, the Court might have been partly misled, by the way in which it seemed to have been agreed that the matter should come before the Court. In those cases the Court took upon themselves to say, not that the Sessions had done wrong in not giving due consideration to the evidence, but that they had come to a wrong conclusion upon it. The language used by the Court in the Carnarvonshire case shews how the mistake was made, viz. that as the Sessions, upon a preliminary objection, had refused to hear the appeal, a writ of mandamus should go. But if their decision proceeded upon a matter of fact, over which they had cognizance, we are bound by their decision as regards a writ of mandamus. If the question be a matter of practice of the Sessions, involving a point of law, the Court may interfere in this way, and see if the Sessions have fettered themselves improperly, but upon a

- (5) 3 Q.B. Rep. 386; a.c. ante, 19.
- (6) Ibid. 388; a.c. ante, 22.
- (7) 4 B. & Ald. 298.
- (8) 5 B. & Ald. 597.
- (9) 7 Ad. & El. 27.
- (10) 2 Q.B. Rep. 325; a.c. 11 Law J. Rep. (N.S.) M.C. 3.
- (11) 6 Ad. & El. 885; a.c. 6 Law J. Rep. (N.S.) M.C. 140.
- (12) 2 Q.B. Rep. 548; a.c. 12 Law J. Rep. (N.S.) M.C. 81.
- (13) 12 Ad. & El. 682; a.c. 9 Law J. Rep. (N.S.) M.C. 22.

(14) 2 Q.B. Rep. 331.

matter of fact we are bound by their decision. This is a matter of fact. I wish to abide by several decisions, that the Sessions are to decide upon the sufficiency of grounds of appeal, as to their particularity; such sufficiency depends upon many circumstances, of which the Sessions alone can judge. We are not now laying down this rule for the first time; as, therefore, we are of opinion that the cases referred to were not rightly decided, we are bound so to say, and discharge this rule.

PATTERSON, J.—I am of the same opinion. A question arises at the Sessions, whether the grounds of appeal are sufficient; and if that Court entertains so much doubt upon the subject that they are willing to grant a case, they should proceed to hear the appeal out, and decide it, subject to a case upon that question; but if they entertain no doubt, but are so satisfied that the grounds are insufficient that they do not go on to hear the appeal, then no case should be granted. That is to be understood for the future. It is very doubtful, I think, here, whether Mr. Whitehurst is entitled to say that he did not take the case that was granted, and that, therefore, he is not precluded from this application for a mandamus, as the party asking for the case should have stated to the Court below that a case granted in that way would be of no use, and have endeavoured to obtain it in that form in which it would be received by this Court. This probably arose, however, from the parties not being aware of the late decisions of the Court in that respect. With regard to the two cases we are about to overrule, I may observe, that I was present upon the second occasion, and fully concurred in the decision, though I was not upon the first; but for the future it must be understood that where the question is, whether there is enough in the grounds of appeal to entitle the appellants to go into their case, that matter is for the Quarter Sessions, and they are to determine it.

WILLIAMS, J.—I am of the same opinion. In *The Queen v. the Justices of Carnarvonshire*, the decision proceeded upon what was improperly called a preliminary point. In this case it is not correct to say that the matter was not heard. If this was not a hearing, the same might be said, if only one witness had been called out of four or five.

NEW SERIES, XIII.—MAG. CAS.

The case came on; the point arose, and there was a decision upon it, by a Court having competent jurisdiction. The two cases that have been mentioned cannot be supported.

WIGHTMAN, J.—The decision in the Carnarvonshire case proceeded upon an erroneous view of what was a preliminary objection. In this case the Court decided upon a matter, which must be taken as a matter of fact, and touching the merits of the case.

Rule discharged.

1844. }
Jan. 30; } THE QUEEN v. THE JUSTICES
April 24. } OF STAFFORDSHIRE.

Overseers' Accounts—Audit of, by the Auditor appointed under 4 & 5 Will. 4. c. 76—Allowance by Justices.

The Poor Law Amendment Act, 4 & 5 Will. 4. c. 76, does not take away the power of two Justices to allow overseers' accounts under the stat. 50 Geo. 3. c. 49.

Therefore, where a sum had been disallowed at a quarterly audit of the overseers' accounts, by an auditor appointed by the Poor Law Commissioners, and subsequently introduced again into the accounts, and allowed by the Justices in the annual account, with full notice of the disallowance by the auditor, the Court refused a mandamus to the Justices to order the overseers to pay over the sum so disallowed by the auditor to their successors.

Sir F. Pollock (*Attorney General*) had obtained a rule calling on two of the Justices of the Peace of the county of Stafford to shew cause why a writ of mandamus should not issue, directed to them, commanding them to make an order for the payment, by Charles Stokes, William Cooksey, William Williams, and Isaac Bunn, late overseers of the poor of the parish of West Bromwich, in the said county, of the sum of 103*l.* 6*s.* 5*d.*, to Archibald Kendrick and William Salter, the present overseers of the poor of the said parish, and, if necessary, to issue a warrant under their hands for levying the said sum by distress and sale of the goods and chattels of the said C. Stokes, W. Cooksey, W. Williams, and I. Bunn. It appeared from the affidavits that Stokes, Cooksey, Wil-

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liams, and Bunn, mentioned in this rule, were the overseers of the poor of the parish of West Bromwich (which parish is in the West Bromwich Union) from Lady-day 1842, to Lady-day 1843. According to the provisions of 4 & 5 Will. 4. c. 76. s. 47, the overseers were in the habit of having their accounts audited every quarter by the auditor appointed under that act, and on the 30th of January 1843, such accounts were submitted to T. S. Simkiss, the auditor for that purpose, and on that occasion the said Simkiss disallowed certain items amounting to 82*l.* 11*s.* 4*d.*, and entered his disallowance in writing in the accounts, and signed the same as auditor. About Lady-day, 1843, Salter and Kendrick were appointed overseers in the room of the four previously mentioned, and on the 1st of April 1843, Stokes, one of the four who had so gone out of office, submitted the accounts to two Justices of the Peace for the county of Stafford. On that occasion Simkiss attended and discovered, as he stated in his affidavit, that the items disallowed by him had been again inserted as payments in March 1843; he informed the Justices of his disallowance, but they, nevertheless, allowed the accounts, and passed them in the usual form, and after such allowance there was a balance of 48*l.* 3*s.* 10*d.* due from the said four overseers. On the 24th of April the accounts were again submitted to Simkiss by Cooksey, &c.; Simkiss then audited them, and wrote at the foot of such accounts the following memorandum:

I have this day examined the foregoing accounts, and I disallow the following sums, namely:—

£. s. d.			}	Debts contracted to Lady-day 1842, without legal authority, and disallowed by me, Jan. 30, 1843.
J. Woodward	74	1 4	}	Incurred without any legal authority for services which the law compels the overseers personally to perform.
Theo. Davis	8	10 0		
Robt. Newry	5	1 6	}	Incurred before Lady-day 1842.
Lease More	6	5 0		
Geo. Tawdry	2	19 1	}	Incurred before Lady-day 1842.
Justian Clubs	6	3 6		
Mr. Beeson	0	6 0	}	Incurred before Lady-day 1842.

£103 6 5

I declare the balance due from the overseers to be 103*l.* 6*s.* 5*d.*

April 24, 1843.

T. S. SIMKISS, Auditor.

Salter and Kendrick, the two new overseers, having received the sum of 48*l.* 3*s.* 10*d.*

from their predecessors, procured a summons, calling on the four first-named overseers to appear before such of her Majesty's Justices of the Peace for the county of Stafford as should be present at the Scott's Arms, Handsworth, on the 5th day of August 1843, to answer the complaint of the said W. Salter and A. Kendrick, and to shew cause why they should not pay to them the sum of 103*l.* 6*s.* 5*d.*, the balance of accounts due to them as the present overseers. In the meantime an appeal against the allowance of the Justices of the 1st of April was entered at the Staffordshire Quarter Sessions, held on the 27th of June, by one Stanton, an inhabitant and ratepayer of the said parish, but such appeal, owing to the preliminary objection to the notice of appeal, was dismissed and the allowance confirmed. The parties and their attorney afterwards attended, in pursuance of the before-mentioned summons, and the Magistrates, after hearing the case and referring to the 47th, 89th, and 99th sections of the Poor Law Act, refused to make any order. It appeared that the 82*l.* 11*s.* 4*d.*, originally disallowed by the auditor, was incurred for repairs done to some workhouses.

Whateley and Gray now shewed cause.—

The 4 & 5 Will. 4. c. 76. s. 47. does not take away the jurisdiction of the Magistrates; it only directs that, "in addition to the annual account then by law required," the overseer shall, once in every quarter, render an account to the auditor (if there is one) appointed under that act. That is not inconsistent with the power given to the Justice by statute 30 Geo. 3. c. 49. s. 1.

[PATTERSON, J.—The auditor is not mentioned before the 47th section, and nothing is there said as to his office or character; nor does it appear in this case what the form of his appointment is.]

[*Whitmore* (on the other side) stated, that he was appointed according to one of the orders and regulations of the Poor Law Commission, which direct that an auditor shall be appointed by the guardians to "examine, audit, allow, and disallow the accounts of the Union, and of the several parishes comprised therein."]

The 89th section of the act requires the Justices to disallow, as illegal, all payments made contrary to the provision of that act. That section contains no power of appeal,

though 50 Geo. 3. c. 49. ss. 2. & 3. give a power of appeal against the allowance of the Justices.

[COLERIDGE, J.—Then if a sum were struck out by the Justice, might not the auditor insert it again?]

If the 50 Geo. 3. c. 49. is kept alive, and it is not repealed by the 4 & 5 Will. 4. c. 76, there is nothing to shew that the Magistrates have not a superintending power over the accounts; and if a doubt exist, the Court will not make this rule absolute. The 101st section cannot be relied on, as the Magistrates have heard and determined this matter. Then the allowance of the Justices was confirmed on appeal; and it is not contended that the sum disallowed was not expended in a lawful manner. The disallowance by the auditor is not final; if it were, it effectually takes away the right of appeal.

[PATTERSON, J.—I do not see what effect the disallowance of the auditor has.]

Sir F. Pollock (Attorney General) and Whitmore, contra.—The question is, whether the Justices can allow such sums which the auditor has disallowed. It may be that they have the power of disallowing what the auditor has allowed. The question is one of difficulty, and the Court will therefore grant a mandamus, in order that a return may be made. Parties obeying a mandamus since the 6 & 7 Vict. c. 67. are not exposed to an action, and they can raise any matter of fact or law, on which their doubt arises, and on which the case may be taken, if necessary, to a court of error. The balance in question becomes, under sections 47. and 99, a penalty, recoverable under the act, having been improperly introduced into the accounts after disallowance by the auditor.

[COLERIDGE, J.—But in that case should you not pursue the mode directed by the 101st section? and the Magistrates have heard the matter of complaint under that section, and come to a decision upon it.]

[PATTERSON, J.—If we grant a mandamus as prayed, the Justices will perhaps obey it: we cannot oblige them to make a return.]

With respect to the appointment of auditor, it appears, by the 42nd section, that the rules of the commissioners shall be valid and binding, and "shall be obeyed and observed as if the same were specifically made by and embodied in the act of parliament." The auditor is appointed under one

of the rules (rule 27); some effect must be given to the first disallowance of the auditor; and how can that be if the sums struck out by him may be again introduced?

[PATTERSON, J.—The question is, whether the auditor is to be absolute. According to your argument the rules of the commissioners repeal the power of the Justices altogether, though the 47th section of the act itself treats the account submitted to the auditor as something *additional* only to that which they were previously by law required to lay before the Justices.]

On the other hand, if the argument on the other side be correct, the Justices may abrogate altogether the power of the auditor. It may be admitted, that, taking the 4 & 5 Will. 4. c. 76. in connexion with the 50 Geo. 3. c. 49, there is no power of appeal against any of the three first allowances by the auditor of the accounts of any particular set of overseers. The appeal to the Sessions in this case was a mere nullity, as it went off on a matter of form.

Cur. adv. vult.

The judgment of the Court was now delivered by

LORD DENMAN, C.J.—This was an application for a writ of mandamus to two Justices, to order the overseers of West Bromwich to pay over to the present overseers the sum of 100*l.* and upwards, or, if necessary, to issue a distress warrant, and levy the same. It first seemed as if this application had been founded on the 50 Geo. 3. c. 49. s. 1, by which the churchwardens and overseers are directed, within fourteen days after the expiration of their year of office, to submit their accounts to two Justices, at special sessions, who are to examine, and allow or disallow the various charges and payments. It is then provided, "and in case such churchwardens and overseers shall neglect to pay to their successors, within fourteen days from the signing and attesting such account, any sum or sums of money, or arrears, which, on the examination and allowance of such account, in manner aforesaid, shall appear or be found to be due and owing from such churchwardens or overseers, or any of them, or remaining in their hands, it shall and may be lawful for the subsequent churchwardens and overseers, by warrant from any two or

more Justices of the Peace, to levy all such sum and sums of money, by distress and sale of the offender's goods." It is plain, from this section, that the Justices are only to issue their warrant for such sum as is found to be due on the examination and allowance of the overseers' accounts by two or more Justices at special sessions, within fourteen days of such overseers going out of office. It appears, by the affidavits in this case, that the sum in question has not been found so to be due and owing; on the contrary, it appears that the amount was allowed by the Justices, on their examination, as it is said, improperly; but at all events the accounts were allowed, and no such sum was found to be due and owing; therefore the Justices have no power to issue their warrant under the 50 Geo. 3; and so, of course, this Court cannot command them to do that which, by law, they have no power to do. There is no other act previous to the Poor Law Amendment Act, the 4 & 5 of Will. 4. that authorizes them to issue such warrant. The 43 Eliz. c. 2. s. 2. directs the overseers, within four days after their going out of office, to make and yield up an account to two Justices, and to pay over the balance to their successors. But that act gives no remedy by distress, but applies only to the balance appearing in their account. The 17 Geo. 2. c. 38. s. 1. directs the churchwardens and overseers to deliver an account to their successors verified on oath; and section 2. enables the incoming overseers to apply for the balance due; but the act gives no remedy by distress, but applies only to the balance appearing in the overseers' account. The next act is the 50 Geo. 3; and the last act, the 4 & 5 Will. 4, directs the overseers to deliver, in addition to their annual account, then by law required, accounts quarterly, and the auditor appointed under the rule and regulation of the Poor Law Commissioners is to examine, audit, allow or disallow such accounts, and provides that all balances due from any overseer may be recovered in the same manner as any penalties and forfeitures under that act. By the 99th section the penalties and forfeitures under the act are to be levied by warrant of distress, and sale of the goods; and, by the 101st section, power is given to summon the parties. It would seem

that the auditor mentioned was appointed by the commissioners, and that the quarterly accounts were rendered to him, and he disallowed the charges in question, to the amount of 103*l.* 6*s.* 5*d.* in January 1843. He considered them to be contrary to the provisions of that act, and totally at variance with the rules, orders, and regulations of the commissioners; and if so, no doubt they ought also to have been disallowed by the Justices, when the annual accounts were rendered to them; for the 89th section of the 4 & 5 Will. 4. expressly provides that the Justices shall disallow such items. The Justices, however, considered the charges not contrary to the provisions of the act, nor to the rules, orders, and regulations of the commissioners, and allowed them, as I have before observed. Against this allowance there was an appeal to the Quarter Sessions, and that seems to be given by the 2nd and 8rd sections of the 50 Geo. 3. and the 17 Geo. 2. c. 38. s. 4, and on that appeal the allowance was confirmed. Notwithstanding this, the auditor summoned the overseers before two Justices, under the 101st section of the 4 & 5 Will. 4, to compel them to pay over the sum which he had so disallowed, and which the Justices at Quarter Sessions had so allowed. The Justices refused to make the order, and we are now asked to issue a writ of mandamus, commanding them to make such order, and, if necessary, to issue their warrant under the 99th section: this we cannot do, unless we are prepared to say, the power of two Justices, under the 50 Geo. 3. to allow the overseers' accounts, subject to the appeal to the Quarter Sessions, is wholly taken away, and rendered wholly inoperative, by the 47th section of the 4 & 5 Will. 4. and transferred, absolutely, to the auditors appointed by the Poor Law Commissioners. The late Attorney General, in the course of his argument, contended that the Justices have no power to allow, in the annual account, any items that had been disallowed by the auditor, in the quarterly account, although they might have a power, perhaps, to disallow what the auditors had allowed. The 47th section does not in terms authorize the auditor to disallow any item in the overseers' accounts, but it appears a rule of the Poor Law Commissioners does, which, under the 42nd section, has the authority

of an act of parliament. Here there are, apparently, concurrent authorities; and, in the case of a conflict between them, as in this case, it is difficult to say which was intended by the legislature to prevail. The former power of the Justices must be taken to have been well known to the framers of 4 & 5 Will. 4. c. 76. The mode in which it is to be exercised is clearly laid down, and an appeal is given as well to overseers as to any other person who may be aggrieved. This authority is evidently intended to be preserved, as the 47th section directs the quarterly accounts to be rendered, in addition to the annual accounts, thereby preserving the annual account, and by consequence, preserving all that, by law, ought to be done, or might be done upon it. The 89th section further confirms the authority of the Justices, and directs them to disallow, not what the auditors had already disallowed, but all charges, contrary to the provisions of the act, or to the rules, orders, and regulations of the commissioners, leaving it to them to determine what charges are so contrary, not mentioning the authority of the auditors. And this section contains this remarkable proviso, "that no allowance by any Justice shall exonerate or discharge such overseer or guardian from any penalty or legal proceeding to which he may have rendered himself liable, by having acted contrary to the rules, orders, and regulations of the said Commissioners, or to the provisions of this act," as if the legislature had contemplated that the Justices, either from ignorance of the rules, orders, and regulations of the Poor Law Commissioners, or from a misinterpretation of them, might happen to allow improper charges, and intending to guard against the shielding the overseers from a penalty, though the charges might stand good as items of their accounts, by reason of the allowance of the Justices. Seeing, then, that this authority in the Justices is evidently intended to be preserved, and no provision had been made by which their authority is made subordinate to that of the auditors; nor any provision by which the exercise of such authority as the commissioners may think fit to give the auditors, can be reviewed, by way of appeal, we are of opinion that, whatever effect was intended to be given to the examination of the overseers' accounts,

by the auditors, ultimately the allowance or disallowance of them is still vested in the Justices, subject to an appeal to the Sessions. We are reminded of the statute 6 & 7 Vict. c. 67. s. 3, by which all persons are protected from actions in respect of anything done in obedience to a peremptory mandamus, and therefore we are asked to let this writ go, if there is any doubt, inasmuch as the Justices are bound to make a return; and that even if badly made, they would, under a peremptory mandamus, be protected from any action. We feel, however, no doubt in the case; nor does the act of parliament referred to, say that the Justices are to make a return to a mandamus, instead of obeying it, for the sake of protecting themselves under the act. Therefore the rule must be discharged.

Rule discharged.

1844. }
Jan. 30. } THE QUEEN v. JOSEPH MARTIN.

Order of Maintenance—Certainty.

An order of maintenance, which directs an entire sum to be paid weekly and every week, for and towards the maintenance of three persons, for so long a time as such three persons shall be chargeable, is bad.

By an order of two Justices of the county of Derby, at petty sessions, after reciting that complaint had been made by the overseers of the poor of Chapel-in-le-Frith, in that county, that Mary Martin, an infant of the age of five years, Joseph Martin, an infant of the age of three years, and Sarah Jane Martin, an infant of the age of eight months, were then poor and unable to work so as to maintain or support themselves, and were then chargeable to the said parish, and that one Joseph Martin, dwelling at Coombs Edge, within the jurisdiction of the said Justices, was the grandfather of the said M. M., J. M., and S. J. M., and was of sufficient ability to relieve and maintain the said M. M., J. M., and S. J. M., his grandchildren, and that thereupon the said Joseph Martin was duly summoned to appear before the Justices, at a petty session to be holden, &c. to shew cause why an order should not be made, requiring him to pay such weekly sum for and towards the relief of the said M. M., J. M., and S. J. M.,

his grandchildren, as the said petty session should think fit, and that the said Joseph Martin having appeared by his attorney, did not shew any sufficient cause why such an order as aforesaid should not be made, and after adjudging in the usual form that the said M. M., J. M., and S. J. M., were poor and unable to work, so as to maintain themselves, and were actually chargeable to the said parish, and that the said Joseph Martin was the grandfather, and of sufficient ability to maintain them, and was then dwelling within the jurisdiction of the said Justices: it was ordered, that the said Joseph Martin should upon notice of that order pay to the overseers, &c. weekly, and every week from that present time, the sum of 6s. for and towards the relief and maintenance of the said Mary Martin, Joseph Martin, and Sarah Jane Martin, for and during so long a time as the said Mary Martin, Joseph Martin, and Sarah Jane Martin, should be chargeable to the said parish, or until he, the said Joseph Martin, should be lawfully ordered to the contrary.

Whitehurst moved for a *certiorari*, to bring up this order, for the purpose of quashing it. He contended, first, that there was not enough shewn on the face of the order to make the grandfather liable;—secondly, that the order was uncertain, in directing the party to pay a fixed sum, for so long a time as the children were all chargeable—some might remain chargeable, and some might become able to work.

Humfrey shewed cause, in the first instance.—The order is in the usual form, it shews that Joseph Martin is the grandfather; that the children are unable to work, and chargeable. The 59 Geo. 3. c. 12. s. 26. empowers the Justices at Petty Sessions to make such order.

[*COLERIDGE, J.*—The order fixes an entire sum of 6s. a week, so long as they are all chargeable.]

When they cease to be chargeable a new state of facts arises, and the order is at an end.

LORD DENMAN, C.J.—I think, that the order should have fixed a precise amount of relief in respect of each child unable to work, and that the order fixing an entire sum, to be paid so long as all three children are chargeable, is bad.

Rule absolute for a certiorari.

1844. { THE QUEEN v. THE JUSTICES OF
April 15. { SURREY.
 { ALLHALLOWS v. WIMBLEDON.

Appeal, Signature of Grounds of—Guardian.

A statement of grounds of appeal was signed by W. R., T. G., and, for W. H., W. P. H., "churchwardens and overseers" of parish A. (which formed part of a union,) and "J. E. guardian":—Held, that such signature was insufficient, it not appearing that W. H. had given W. P. H. authority to sign for him; and that the signature of the guardian did not help the notice, a guardian under the Poor Law Amendment Act not having any authority for such a purpose.

An appeal by the parish of Allhallows the Great, in the city of London, against an order of removal from the parish of Wimbledon, in the county of Surrey, came on to be heard at the Surrey Quarter Sessions in July 1843, when it appeared that the following notice of grounds of appeal had been served on the overseers of the respondent parish.

"To the churchwardens and overseers of the poor of the parish of Allhallows, in the county of Surrey.—Whereas the churchwardens and overseers of the poor of the parish of Allhallows the Great, in the city of London, did in and by a certain paper writing, dated the 27th of February 1843, give you notice of their intention to appeal against a certain order of removal, dated the 4th of February 1843, by which Susannah Legge and her children (naming them) were ordered to be removed from your said parish of Wimbledon to our said parish, &c.; and whereas the churchwardens of our said parish did at the last General Quarter Sessions, &c. duly enter the said appeal against the said order, and the said appeal was then and there duly entered, and the hearing thereof respited until the next General Quarter Sessions of the Peace, to be holden, &c. Now, we, the undersigned churchwardens and overseers of the said parish, do hereby give you notice, that it is our intention to bring on our said appeal to be heard and determined at the next General Quarter Sessions of the Peace to be holden, &c., and that the grounds of appeal are (here followed a statement of the grounds of appeal). Dated the 12th of June 1843." (Signed)

W. Ryde, T. Gooch; for W. Hammond, W. P. Hammond; churchwardens and overseers of the poor of the parish of Allhallows the Great. J. Elsdon, guardian.

It appeared that the parish of Allhallows the Great had two churchwardens and two overseers, and was one of the parishes forming the City of London Union, under the Poor Law Amendment Act, having one guardian appointed under that act; Ryde and Gooch, who signed the notice, were the overseers, and W. Hammond mentioned in it was one of the churchwardens, and W. P. Hammond, who signed it, was the son of the said W. Hammond. John Elsdon was the guardian appointed as before mentioned. There was no proof that the said W. Hammond had given his son any authority to sign the said notice.

It was objected, that the notice not having been signed by a majority of the parish officers, was insufficient, and the Court of Quarter Sessions, being of that opinion, dismissed the appeal. A rule *nisi* having been obtained for a mandamus to the Justices to enter continuances and hear the appeal,—

Wallinger and Corner now shewed cause (April 15).—First, the notice was not sufficiently signed by the churchwardens and overseers of the appellant parish, within the 81st section of the 4 & 5 Will. 4. c. 76. It is only a signing by two out of the four. The signature of W. P. Hammond for W. Hammond amounts to nothing—*The Queen v. the Justices of Worcestershire* (1). There is, therefore, not a signature by a majority of the churchwardens and overseers—*The King v. the Justices of Warwickshire* (2). Then, secondly, the signature of the person signing as guardian does not assist the notice. A guardian, as an individual, can do no valid act to bind the parish. It is the board of guardians who administer the affairs of the parish, under 4 & 5 Will. 4. c. 76. s. 38. This is not the case of a parish incorporated under Gilbert's Act, 22 Geo. 3. c. 28; had that been so, the notice could only have been given by the guardian—*The Queen v. the Justices of the West Riding*, (*Harnley v. Rothwell*) (3).

Charnock and Arnold, contra.—First, the signature of the parties, purporting to be

churchwardens and overseers, is sufficient. Two actually sign, and there is a signature of a party for a third parish officer. It is not necessary that each party signing should append to his signature the exact character in which he signs: an overseer may be unable to write, or have met with an accident so as to make it necessary that some one should sign for him. Then, as to the guardian, a guardian may be considered a parish officer.

[PATTESON, J.—Has the guardian appointed, under the New Poor Law Act, any authority at all, except at a board of guardians? He cannot be considered a guardian of the parish, but he is appointed by the parish to act at the board.]

A single guardian might give the notice under section 81.

[PATTESON, J.—Where there are guardians for a single parish, under the Poor Law Act, they act as a board, by the 39th section.]

On reference to the interpretation clause, section 109, it will be seen that the term "guardian" is to be construed to mean any parish officer.

LORD DENMAN, C.J.—It appears to me, that the Justices at sessions were right in refusing to hear the appeal. To decide that a notice of appeal is not to be received, is certainly not an agreeable act, but when a duty is imposed on parishes by an act of parliament, the Court is bound to see that that duty is properly performed. Now, first, with respect to the signature by Hammond, it is clear that the signing by one party for another does not make such signing the act of that other. And, on the second question, it is also clear, that a guardian is not necessarily a parish officer; there is nothing in the act which says, that he is to be considered a parish officer in any other sense than that which is clearly pointed out in the 38th section.

PATTESON, J.—It is to be observed, that the 81st section of the Poor Law Amendment Act does not say that a notice of appeal is to be signed by a majority of the parish officers, and there are no such persons as guardians of a parish under the New Poor Law Act in the sense contended for; at least, I cannot find in the Poor Law Amendment Act anything to shew that the guardians appointed for a union under that act can act as parish officers. The word "guard-

(1) 1 Will. Wool. & Hod. 154.

(2) 6 Ad. & El. 873; s. c. 6 Law J. Rep. (N.S.) M.C. 113.

(3) *Ante*, p. 39.

dian," in the 81st section, cannot apply therefore to any guardian appointed under it, unless it applies to those appointed under section 39.

WIGHTMAN, J.—I am of the same opinion. —As to the first question, in order to make the signature of the agent the signature of the party, it should appear that the signature was by such party's authority. In this case there was no evidence of such affirmation. But, secondly, it is said, that the signature of the guardian will render the number of parish officers complete, for the purpose of making the signature of the document sufficient; on referring, however, to the 38th section, it will be seen that it contains an express exclusion of the guardian's having any authority in virtue of his office for any purpose (except such as are there mentioned) except as a member, and at a meeting, of the board.

Rule discharged.

1844. } THE QUEEN v. THE INHABIT-
May 1. } ANTS OF LEEDS.

Settlement—Tenement—Examination, Sufficiency of.

An examination which shews that the pauper took a house for a year, at a rent exceeding 10l., and resided in it for more than a year, and "paid rent for the whole term of his tenancy," does not shew sufficient to support a settlement by renting a tenement.

This was an appeal against an order of two Justices for the removal of M. Redmayne, from the township of Preston to the township of Leeds. The material part of the examination of the pauper was as follows:—"In the month of May 1820, I became the tenant of a house in Kirkgate, in Leeds, in the West Riding of the county of York. I know not the name of the landlord of the house, and I do not believe I ever heard it, but the steward of the house, and from whom I took it, was a Mr. Wild. The house when I took it was No. 19, but it is now numbered 89. I took the house for a year, as I believe at 19l., but I am not certain whether it was a pound more or less. I entered into and resided in the house in the said month of May, and continued to reside upon it with my family until the month of October 1821,

when I left it. I paid rent for the whole time of my tenancy. I have not since done any act to gain a settlement."

One of the grounds of appeal was, "that the examinations are bad and insufficient to support the said order, inasmuch as they do not state the house therein mentioned to have been a separate and distinct dwelling-house, *bond fide* hired at and for the sum of 10l. a year at the least; and inasmuch as they do not state that such house was held, and the rent for the same actually paid, for the time of one whole year at the least, by the said M. Redmayne, who is alleged to have been the person hiring the same."

At the trial of the appeal, the above objections were, amongst others, taken by the appellants, but overruled by the Court of Quarter Sessions, who confirmed the order, subject to the opinion of the Court on the objections.

Cowling, in support of the order of Sessions.—The examination must be read as the statement of the pauper, who is not to be supposed to give his evidence in the words of the act of parliament. The statement is, in substance, sufficient to shew such a renting and occupation as to confer a settlement: as to the payment of rent, the Justices have found it sufficiently particular, and the Court will not intend that any other rent was meant.

R. Hall, Pashley, and Wigham, contra.—The examinations should shew a compliance, in substance, with the statutory ingredients necessary to complete a settlement under 59 Geo. 3. c. 50. This statement is deficient in not shewing that the rent was paid for the house for one whole year. It does not state that the tenant paid the rent, or the whole rent; it might have been a very small portion. If he paid the whole rent, why should he not say so? The examination in all material particulars should follow the statute—*The Queen v. the Recorder of Pontefract* (1).

LORD DENMAN, C.J.—I feel compelled to say, that I cannot find a settlement stated on the face of this examination. It is unfortunate that the omission of a word should make all the difference, but such is the case.

Per Curiam—

Order of Sessions quashed.

(1) 2 Q.B. Rep. 548; s.c. 12 Law J. Rep. (s.s.) M.C. 81.

1844. { THE QUEEN v. THE INHABITANTS OF ST. GILES IN THE FIELDS.
 April 24. {

Settlement—Acknowledgment—Relief—Workhouse.

A pauper being chargeable to parish A, was placed by the overseers of that parish at an establishment of a contractor for the maintenance of paupers, which was locally situate in parish B, and there maintained at the expense of parish A:—Held, that this could not be considered as relief by parish A. out of the parish; and therefore that such relief, however long continued or often repeated, did not amount to any evidence of an admission by parish A. that the pauper was settled in that parish.

Upon an appeal against an order of two Justices, for the removal of W. Conqueror, his wife, and two children, from the parish of Ashton-under-Lyne to the parish of St. Giles in the Fields, the Sessions confirmed the order, subject to a case stated by the chairman, which was in substance as follows:—In the year 1828, W. Conqueror, being a pauper in the parish of St. Giles, was sent at the expense of that parish to Cresbrook, in Derbyshire, where he remained till July 1829, when, being out of work and in a state of destitution, he went direct from Cresbrook to the said parish of St. Giles to obtain relief. He was then, and on several other occasions whilst living in St. Giles's parish, relieved by that parish, by receiving 1s. at a time; and in the ensuing winter, being again chargeable to the said parish of St. Giles, he was taken into the workhouse of that parish, which is situate within the limits thereof, and remained there some months, and until he was sent from thence with other paupers to Islington, out of the limits of the parish of St. Giles in the Fields, to the establishment of one Perry, a contractor for maintenance of paupers, on behalf of that and other parishes, where he was maintained for some time at the expense of the said parish of St. Giles in the Fields; and shortly after leaving that establishment, the pauper, being again chargeable to the appellant parish, whilst living therein, was admitted by order of the parish officers of St. Giles into the Surrey Asylum, which is a similar establishment, and

locally situate out of the limits of the parish of St. Giles. Upon these facts, it was contended, on behalf of the appellants, that Perry's establishment at Islington, and the Surrey Asylum, though each locally situate in another parish, were to be considered, *quoad* all matters relating to the settlement of the pauper, as integral parts of the parish by which the maintenance was defrayed; and that there was no evidence of any such relief given to the pauper, whilst residing in another parish, as constituted an admission of his being settled in the appellant parish; but the Court of Quarter Sessions were of opinion, that on the whole there was such evidence upon the facts as above stated. The question for the opinion of this Court was, whether there was evidence of such relief as amounted to an acknowledgment of settlement by relief. If the Court should be of opinion that there was, then the order to be confirmed; if otherwise, then the order to be quashed.

Townsend, in support of the order of Sessions.—This was not relief to casual poor, and it was relief out of the parish. It is for the Sessions to draw their own conclusion from the facts proved. The case of *The King v. St. Peter and St. Paul, Bath* (1) was relied on by the appellants; but in that case the workhouse was built under the provisions of 9 Geo. 1. c. 7. s. 4; and Buller, J. put the case on the ground of the property in the workhouse having been acquired by the parish, under the provisions of that act. Here the parish officers merely contracted with strangers in a third parish, and the place where the pauper was maintained did not belong to them.

[PATTERSON, J.—If a man passing through a parish were to break his leg, and were sent by the overseers there to a doctor out of the parish, could it be said that the parish so sending him made him one of their own poor?]

The relief would then be to casual poor. In this case the relief extended over many months—*The King v. Chatham* (2).

[LORD DENMAN, C.J.—Relief operates as an acknowledgment; but in this case, to whom was the acknowledgment made? This is the case of a pauper in the parish at

(1) 2 Nol. P.L. 377.

(2) 8 East, 501.

the time he is chargeable, and they remove him to a workhouse of their own.]

In *The King v. Edwinstone* (3), one instance of relief given out of the parish was held sufficient to warrant a finding that the pauper was settled in the relieving parish.

[LORD DENMAN, C.J.—In that case there was no evidence the other way.]

The Sessions have here found the fact. It was admitted in *The King v. Trowbridge* (4), that if the Sessions had then found that the effect of the evidence had been to shew a settlement in Chatham, the Court would have affirmed their decision. *The King v. Yarwell* (5) is also in point, to shew that the Court will not question the finding of the Sessions.

[WIGHTMAN, J.—In *The King v. Coleorton* (6) it was held, that relief given to a family residing in a parish for a long period was no evidence of a settlement, though there was in that case an apprenticing by the parish.]

The provisions of 59 Geo. 3. c. 12. s. 10, and 33 Geo. 3. c. 35. s. 39, and 54 Geo. 3. c. 170. s. 2, which expressly provide against birth settlements in the parishes in which the workhouses, &c., provided and established under those acts, are locally situated, would seem to shew that, in the contemplation of the legislature, the local situation would in such case govern the settlement. Here, the provisions of the acts relating to parish workhouses not having been complied with, the provision, with respect to settlements, would not apply.

Montagu Chambers, contra, was not called upon.

LORD DENMAN, C.J.—It appears to me that the Sessions have raised the real question for our decision on the facts stated, and that question is, whether there was sufficient evidence of such relief given to the pauper, whilst residing in another parish, as amounted to an admission of his being settled in the appellat parish. If they had shewn any evidence of such relief, we should not have felt warranted in departing from the conclusion drawn by them; but in this case I think there was no such evidence. The

case then comes within the principle laid down in *The King v. Chadderton* (7), *The King v. Chatham*, and *The King v. Coleorton*, and the reason on which those decisions were founded is most important, as the overseers are bound to relieve casual poor; and it is highly necessary that they should not be prevented from exercising the duties of common humanity, by the fear of having the settlement of a pauper established against them. I think it is quite clear that the relief given in this case must be considered as relief given within the appellat parish; and with a view to this question, it is not material to consider whether the provision of the acts of parliament relating to parish workhouses situate out of the parish were complied with or not, as the house in which the pauper was lodged in each instance was, in fact, a parish house.

PATTESON, J., being a rated inhabitant of St. Giles, gave no opinion.

WILLIAMS, J.—The real question is, whether there was any evidence at all of such relief as would be an acknowledgment of a settlement. From the time of *The King v. Chatham* to the present time it has been uniformly held, that relief given to a pauper residing in a parish, is no evidence of his being settled there. It is said, however, that such relief may be repeated so often as to amount to evidence; but our so holding would give rise to the most perplexing questions in each case. If one instance of relief will not do, will two, or ten, or what number? Then, as to the question as to where the relief was given? The parish officers transfer the pauper to an establishment of their own, and it cannot make any difference whether it was locally situate within the parish or out of it.

WIGHTMAN, J.—I am of the same opinion. The pauper in this case was in each instance sent by the appellat parish to a place which that parish had hired and used for parish purposes, and it is the same thing as if it were in the parish. If so, the case of *The King v. Chatham* and *The King v. Coleorton* are decisions that relief given in such place is no evidence whatever of a settlement.

Order of Sessions quashed.

(7) 2 East, 27.

(3) 8 B. & C. 671; s. c. 7 Law J. Rep. M.C. 30.

(4) 7 Ibid. 255; s. c. 6 Law J. Rep. M.C. 7.

(5) 9 Ibid. 894; s. c. 8 Law J. Rep. M.C. 8.

(6) 1 B. & Ad. 25; s. c. 8 Law J. Rep. M.C. 118.

1844. } THE QUEEN, on the prosecution
April 25. } of ROBERT BULLOCK, v. CLARK.

Highway—Indictment—Costs of Prosecution—Mandamus.

Upon proceedings taken against the inhabitants of a parish for non-repair of a highway, where an indictment is ordered, and tried under sections 94. and 95. of the 5 & 6 Will. 4. c. 50, the latter section provides, "that the costs of such prosecution shall be directed by the Judge of the assize before whom the said indictment is tried, to be paid out of the rate made and levied in pursuance of that act, in the parish in which such highway shall be situate." At the March Assizes, 1842, an indictment was tried at the assizes, against the inhabitants of a parish, who were found guilty, and an order made, upon application to the Judge, for the costs of the prosecution in the following words: "It is ordered, &c., that the costs of this prosecution be paid out of the rate made and levied, or to be made and levied, in pursuance of the 5 & 6 Will. 4. c. 50, in the said parish of," &c.—signed by the Judge. The amount of the costs was not ascertained during the assizes. At subsequent assizes for the same county, application was made to different Judges to ascertain the amount, and order the payment; an application was also made at chambers to the Judge who tried the indictment; but they declined to do so; and at the Summer Assizes in 1843, (judgment having been respited from time to time,) the Judge then presiding, upon proof that the road had been well repaired, passed a nominal fine upon the defendants, and discharged their recognizances to appear for judgment. In Hilary term, 1844, a rule nisi was obtained for a writ of mandamus to the surveyor of the highways of that parish, commanding him to pay to the prosecutor "the costs of the prosecution of the indictment," not mentioning any sum.

The Court refused to interfere, and discharged the rule.

A rule had been obtained, in last Hilary term, calling upon James Clark, surveyor of highways, within the parish of Chipping Barnet, in the county of Hertford, to shew cause why a writ of mandamus should not issue, directed to him, commanding him to pay to Robert Bullock, or to his attorney,

the costs of the prosecution of an indictment against the inhabitants of the said parish.

It appeared, by the affidavits, that at a special sessions for the highways for the division of Chipping Barnet, in the liberty of St. Alban, in the county of Hertford, duly held, &c. on the 3rd of November 1840, an order was made by two Justices, upon information according to the statute, &c. (5 & 6 Will. 4. c. 50.), and upon hearing the surveyor of the highways of the said parish, directing Robert Bullock, the prosecutor, to prefer a bill of indictment, and subpoena the necessary witnesses in support thereof, at the then next assizes, to be holden for the county of Hertford, against the inhabitants of the parish of Chipping Barnet, for permitting a highway to be out of repair; that at the then next assizes, in March 1841, the bill of indictment was preferred, and found a true bill; that it was tried at the assizes, holden in March 1842, before Gurney, B., and a verdict of guilty passed against the said inhabitants, whereupon the counsel for the prosecution requested the Judge to direct the costs of the prosecution to be paid out of the highway rate, made and levied in the parish of Chipping Barnet; that the learned Judge inquired for the surveyors who attended on behalf of the inhabitants, who were absent, when the learned Judge respited the judgment until the then next assizes, expressing a hope that the road would be repaired in the meantime, and the necessity of inflicting a fine prevented; and made an order as to the costs, of which the following minute was made by the clerk of the assize: "The inhabitants of the parish of Chipping Barnet. For non-repair of a road. It is ordered by Mr. Baron Gurney, that the costs of this prosecution be paid out of the rate, made and levied, or to be made and levied, in pursuance of the 5 & 6 Will. 4. c. 50, in the said parish of Chipping Barnet. Signed, J. Gurney." The learned Judge also, at the same assizes, respited the recognizances of the inhabitants to the then next Summer Assizes, 1842, for the same county. That at the assizes in July 1842, the inhabitants applied to respite the judgment to the Spring Assizes, 1843, and the judgment was accordingly respited; that the costs of the prosecution, up to the time of the delivery of the verdict, amounted to 678*l.* 17*s.* 6*d.*, consisting of 420*l.* for disbursements,

and the residue for the charges of the prosecution, which disbursements were necessary, and the charges fair and reasonable; that on the 29th of June 1842, a bill of such costs was sent to the attorney employed by the inhabitants, who made no communication respecting them, till after the Midsummer Assizes, 1842, when he returned the same, intimating that it would not be entertained by the parish; that application was made to the taxing masters of the Crown Office, and to the deputy clerk of assize for the home circuit, to tax the bill, who declined, upon the ground of having no authority; that the bill was ultimately taxed by certain attorneys (but it did not appear to have been done with the knowledge or consent of the attorney for the inhabitants), at 63*l.* 13*s.* 2*d.*; that in October 1842, after this amount was ascertained, application was made to Gurney, B. to ascertain the costs, and insert the amount in the above order, and direct the same to be paid out of the rate; that both parties attended, but the learned Judge refused to interfere, expressing his regret that he was unable to do so; that at the Spring Assizes for Hertford, 1843, the prosecutor, having given notice to the attorney of the defendants, appeared by counsel, and being satisfied that the road had been properly repaired, did not pray for judgment, but applied for the costs, when, after full argument by counsel on both sides, Patteson, J. decided, that he had no jurisdiction or power to grant the application, and again respited the judgment; that a further application was made to Gurney, B. for a summons, calling upon the defendants to appear before him, and shew cause why the amount of the costs should not be ascertained, and inserted in the above-mentioned order, but the learned Baron refused to grant a summons; that at the Summer Assizes for Hertford, 1843, the prosecutor again appeared, and moved the Court for judgment and costs in the said prosecution, and Parke, B. imposed a nominal fine on the defendants, and discharged their recognizances, and decided that he had no power to ascertain the costs of the prosecution. The affidavits then stated a service of the bill of costs upon Clark, and his refusal to pay the same, on the ground that he had no authority. It also appeared that Clark was the surveyor of the highways at the time the

rule was moved, but was not so when the indictment was preferred or tried.

Platt and Godson shewed cause.—The amount of the costs should have been ascertained during the assizes at which the indictment was tried, and the amount made part of the order. There was no power under the statute to ascertain the amount subsequently. The question depends on sections 94. and 95. of the 5 & 6 Will. 4. c. 50. Section 94. directs the summoning of the surveyor before Justices, and the mode of proceeding where the highway is out of repair; and section 95. the mode of proceeding if (as in this case) the obligation to repair is disputed (1). The costs are to be directed to be paid by the Judge before whom the indictment is tried. The order must specify the amount, without which it is no order at all. The affidavits state that the amount has been ascertained, but the defendants have neither had notice of, nor attended any taxation. It was easy for the attorney for the prosecution to have had his bill of costs ready at the assizes at which the indictment was tried, and it would have been necessary only to add the actual costs of trial. It may be that the learned Judge might have had power to ascertain and insert the amount during the continuance of that commission, but at its termination, at all events, all power to do so ceased—*The Queen v. Long* (2), *Sellwood v. Mount* (3).

(1) "And be it enacted, that if on the hearing of any such summons, respecting the repair of any highway, the duty or obligation of such repairs is denied by the surveyor on behalf of the inhabitants of the parish, or by any other party charged therewith, it shall then be lawful for such Justices, and they are hereby required, to direct a bill of indictment to be preferred, and the necessary witnesses in support thereof to be subpoenaed, at the next assizes to be holden in and for the said county, or at the next General Quarter Sessions of the Peace for the county, riding, division, or place, wherein such highway shall be, against the inhabitants of the parish, or the party to be named in such order for suffering and permitting the said highway to be out of repair; and the costs of such prosecution shall be directed by the Judge of assize before whom the said indictment is tried, or by the Justices at such quarter sessions, to be paid out of the rate to be made and levied in pursuance of this act, in the parish in which such highway shall be situate," &c.

(2) 1 Q.B. Rep. 740; s.c. 10 Law J. Rep. (n.s.) M.C. 124.

(3) Ibid. 726; s.c. 10 Law J. Rep. (n.s.) M.C. 121.

Nor does this rule state that any amount of costs has been yet ascertained, as it calls upon the surveyor to pay "the costs of the prosecution," but specifies no amount. The rule is defective also in calling upon the present surveyor to pay, and not the party in office when the indictment was tried; especially as by the rule it is not asked that he shall pay the costs out of the rates, but a personal liability is sought to be imposed.

Kelly and Bramwell, contra.—The question is, whether the Judge, who makes the order for costs, is bound, himself, before he makes it, to ascertain and fix the amount.

The Judge has only power to make an order in the terms of the statute, which does not require him to fix the amount, nor is there any appointed officer to ascertain them, as under the statute 7 Geo. 4. c. 64. s. 22, in cases of felony, or 1 Will. 4. c. 21, in cases of mandamus.

[PATTERSON, J.—In many acts enabling summary conviction, a power to give costs is included, which must be ascertained by the Court who grants them, though no express provision is made in that respect, and the amount must be stated in the conviction.]

In *Sellwood v. Mount*, the costs in question were under section 90. of the Highway Act, by which the Court is in terms required "to award" costs, as consequent upon a judgment. And again, section 82. of the Poor Law Amendment Act, under which *The Queen v. Long* was decided, requires the Court "to certify the amount" of the costs. The language of section 95. contains no such express provision, but merely empowers the Judge "to direct" the costs to be paid. Those cases, therefore, have no application. This is not in the nature of a judgment, or any part of a judgment, but only a collateral act by the person presiding at the trial. There is no necessity that the costs should be taxed till the party is called upon to pay—*The King v. St. Katharine's Dock Company* (4). There the sum was not ascertained.

[PATTERSON, J.—If the learned Judge did all that he had the power to do at the assizes, then there is a remedy by indictment for disobedience of his order—*The King v. the Treasurer of Surrey* (5).]

(4) 4 B. & Ad. 360.

(5) 4 Chit. Rep. 650.

It may be doubtful whether an indictment could be successfully preferred, as the order to pay is not made upon any person, but only for payment out of the rates. It is also said, that the application should have been made against the surveyor who was in office when the trial took place. But the application is against the present party, because he holds the rates; and it can very rarely happen, that the whole proceedings, from the laying of the information to the verdict, can take place while the same surveyor is in office.

LORD DENMAN, C.J.—The two clauses of the Highway Act, which have been referred to, certainly impose much trouble and difficulty. A bill was presented and found against the inhabitants of Chipping Barnet, at the Assizes, upon which they were subsequently tried and found guilty. In that state of things, the learned Judge who presided made a general order for the payment of the costs of the prosecution. The question is, whether the defendants were properly called upon to pay those costs, by such general order, under the 95th section.—[His Lordship read part of the section.]—We must hold the meaning of that provision to be, either, that the amount of the costs is to be ascertained by the Judge before he directs them to be paid, in which case the sum would be named, or if the direction is given in general terms, then that amount is to be ascertained in the usual way by the proper officer, and adopted by the Judge. There is a proper officer in the court for such a purpose. The Judge who tries is the person to give the direction, and ascertain the amount, by himself or the officer. In this case, an order was made in general terms only. The amount was not ascertained by the Judge, nor the officer directed to fix it. Then, at the end of two years, this Court is called upon to order the surveyor to pay, not the costs ordered by the Judge who tried the indictment, and then ascertained, but the costs generally, which would still have to be ascertained, if the writ of mandamus should go. We cannot call upon the surveyor to make this payment; nor is the Court in a situation to compel him to obey the law properly put in force against him. If the learned Judge, who tried the case, still has

any power to interfere, he must be called upon to exercise it. He has thought that he has not the power, and if that be so, notwithstanding any hardship, the case must fall to the ground; but if the power still remains to him, then, as it is contended upon the part of the prosecutor that this is merely a collateral proceeding, there would seem to be nothing to prevent his exercising such power now. We cannot interfere.

PATTESON, J. — I am also of opinion that we cannot interfere. Even supposing a mandamus was the proper remedy, (which I am by no means clear it is, even if the amount had been ascertained,) we are asked, where the amount has not been ascertained, to direct a writ of mandamus to the surveyor to pay the costs—an indefinite unascertained sum; or else this Court must ascertain the sum, and direct the writ to go for such sum. It cannot be the proper course, that where the sum has not been ascertained, this Court is to be the taxing officer. The statute, in saying that "the costs of such prosecution shall be directed by the Judge of Assize, before whom the indictment is tried," must mean that the amount is to be ascertained by that Judge, either by himself or by his officer, at some time or another. They are to be ascertained under the direction of the Judge who tried. If that is so, we cannot possibly direct this writ to go, in this case at all events, where no amount has been so ascertained.

WILLIAMS, J. — It is clear, that these costs ought to be paid out of the rates; but we cannot in this case enforce their payment by writ of mandamus. It would seem that there has been some omission by the prosecutor, as after the order directing the costs to be paid was given, it does not appear that he made any application to the officer to ascertain and tax them, during the time the commission lasted. If such an application had been made to the officer, and he had refused, perhaps an application for a writ to him might have been as hopeful as the present one. But it also appears a decisive objection, that the writ of mandamus cannot go to pay an unascertained sum. The words "Judge of assize," mentioned in section 95, are only put in distinction to the case where the indictment is tried before the Justices at Quarter Sessions. It may be, that a complete order may yet be made

by the learned Judge who tried the indictment; and if so, there would be a remedy by indictment, if such order was disobeyed.

WIGHTMAN, J. — I reluctantly come to the conclusion, that this rule must be discharged, as there is no doubt these costs ought to be paid out of the rates. This conclusion proceeds on the assumption, that if the writ of mandamus issued, it must go for the costs generally, and then if the amount is disputed, I do not see what is next to be done. Some mode, at all events, should have been first adopted to ascertain the true sum that is due. Until that has been done, the party can only be called upon to pay the costs; and the question still remains unanswered—what are they?

Rule discharged.

1844. } THE QUEEN v. THE GRAND
May 10. } JUNCTION RAILWAY COMPANY.

Poor-Rate—Railway.

A railway company, established under the provisions of various acts of parliament, exercised the trade of carriers on their own line, as well as on other lines of railroad connected therewith, and made profits by the fares and freights paid for the conveyance of passengers and goods. They also took tolls, as authorized by the acts of parliament, from other parties exercising the trade of carriers along their own line. Such carrying trade was exercised by such other parties, who provided themselves, independently of the company, with locomotive power, carriages, fuel, &c., and stations; they, like the company, making profits of their trade so carried on by them over the railway, and paying the tolls fixed by the company, under the acts of parliament. A third class of carriers over the railway hired from the company locomotive engines, and the use of stations, &c.; they likewise made profits, and paid the tolls, besides a compensation for the use of the power, stations, &c., provided for them:—Held, that the company were rateable at an amount which a tenant from year to year might reasonably be expected to pay for the railway, &c., exclusive of the stations, (which were rated separately,) assuming him to have the same power of using the railway as the company, and to have the same pri-

vileges, i.e. upon the nett annual value of the railway; and not upon an estimate of the gross produce of the land, which the company, if not carriers, or which a lessee of the tolls, rates and duties, of which account was directed to be kept by the acts of parliament, would in fact have received as lessee, howsoever or by whomsoever the carrying business of the railway was conducted.

Held, also, that the rateable value of such occupation was properly calculated, by deducting from the gross receipts of the company, first, a sum per cent. for interest of the capital actually invested by them in moveable carrying stock; secondly, for tenant's profits and risks; thirdly, for depreciation of stock; fourthly, for working expenses; fifthly, for the rent of stations; sixthly, a mileage for renewing and reproducing.

Held, also, that the question of amount was for the Sessions.

Held, lastly, that no deduction ought to be made in respect of good-will.

By a rate made for the relief of the poor of the parish of Seighford, in the county of Stafford, on the 6th of August 1843, the Grand Junction Railway Company were rated at the sum of 1,050*l.*, in respect of so much of the said railway as passed through the said parish and land adjoining.

Upon appeal against the said rate, the Quarter Sessions confirmed it, subject to the opinion of this Court on the following

CASE.

The appellants were incorporated, and the Grand Junction Railway formed, by and under an act, 3 Will. 4. c. xxxiv. (local, personal, and public), altered, amended, and extended by other acts of parliament, namely, 4 Will. 4. c. iv, 5 Will. 4. c. viii, 5 Will. 4. c. ix, 1 & 2 Vict. c. lix, and 3 Vict. c. xlix, which are to be taken to be part of this case.

Under these several acts, not only has the line of railway, as originally contemplated (from Warrington to Birmingham), been constructed and opened for public use, but other railways, made by other parties, from Warrington to Newton, and from Crewe to Chester, and long since opened, have been vested in and become the property of the appellants; and these, by the provisions of the said acts, or some of them, now form

part of the Grand Junction Railway; and the whole is managed, as to accounts and otherwise, as one entire business.

Over all these railways, and also over the Liverpool and Manchester Railway, between Newton and Liverpool in the one direction, and Newton and Manchester in the other, the appellants themselves exercise the right of being carriers on their own account of passengers and goods, providing for themselves stations or stopping-places, locomotive power, carriages, coke, and watering-places, and all other things necessary and convenient for the conveyance of passengers and goods, and charging for such conveyance reasonable fares and freights, in addition (as regards the said Grand Junction Railway) to the tolls or tonnages which they are authorized by the said acts to take, and by this carrying trade, as well as by the toll, the appellants make profits.

Other parties also exercise the right of being carriers over various parts of the Grand Junction Railway, and, amongst others, over that part which is in the respondent parish, providing for themselves, without the consent or concurrence of the appellants, and independently of them, (subject, however, to the controul of the appellants, under the said acts of parliament, and also subject to the provisions of the several acts of parliament for the regulation of railways,) locomotive power, carriages, coke and watering places, and all other things necessary for conveyance of passengers and goods, and separate stations and stopping-places adjoining the railway, and the needful branches into or communications with the same; and they, like the appellants, make profits of their trade so carried on by them over the railway, and they pay to the appellants the tolls or tonnages duly fixed by the appellants, pursuant to the said acts, or some of them, and being the same tolls as form the basis of the calculations hereinafter mentioned as contended for by them, the appellants.

A third class of carriers over the Grand Junction Railway, hire from the Grand Junction Railway Company locomotive engines, and the use of stations, &c., but find their own carriages; and they likewise make profits over the railway. These also pay to the appellants the said tolls or tonnages, besides a compensation for the use of the

power, stations, and the other accommodations provided for them.

The total length of so much of the Grand Junction Railway as lies between Birmingham and Newton is 84 miles, and from Crewe to Chester 21 miles, making together 105 miles; and the distance (along the Liverpool and Manchester Railway) from Newton to Liverpool is 15 miles, and from Newton to Manchester 16 miles; the length of railway within the respondent parish is 1 mile, and there is no station, stopping-place, or property of the appellants, other than the railway itself, in the said parish.

The appellants have duly caused toll boards or lists to be made and published, as required by sections 165. and 166. of the statute first above-mentioned. The appellants have also duly kept the accounts of tolls, as required by sections 19. and 20. of 1 & 2 Vict. c. lix, and section 27. of 3 Vict. c. xlix; and free access has been afforded to them, as required by those acts. The fares and charges for the conveyance of passengers, goods, parcels, &c., by the appellants as carriers, are regulated by the number of miles through which they are carried, as well as by weight, bulk, value, &c., and various other circumstances, in like manner as the fares and charges of other carriers. The gross sum received by the appellants as tolls, rates, or duties, including both what they receive from other companies of persons using the railway as carriers, and also the gross sum of the tolls, rates, or duties (of which an account is also kept as aforesaid), calculated upon all the passengers, goods, &c., carried by them for their own profit (added together), amount actually to the sum of 1,500*l.*, in respect of so much of the railway as lies in the respondent parish, for the current year of rating. And this is the gross produce of the land which the appellants, if not carriers, or which a lessee of the tolls, rates and duties would in fact have received as lessee, howsoever or by whomsoever the carrying business of the railway was conducted; and the appellants contended, that this sum of 1,500*l.*, so found, ought to form the basis of any rate upon them in respect of their rateable property in the respondent parish. The gross yearly receipts of the company, including as well the tolls actually received by them as the tolls, fares, freights, and profits of every

kind derived by them as carriers upon and owners of the Grand Junction Railway and its appurtenances, in all the parishes between Birmingham and Newton, and Crewe and Chester (excluding their receipts over the Liverpool and Manchester, and other railways which do not belong to them, but for passing over which as carriers they pay toll in the same way as the independent carriers over the Grand Junction Railway), and including also the profits of their stock in trade and personal property used by them as carriers in connexion with and upon the entire Grand Junction Railway, and their working over and along it; and also the rents, profits, and value of all their stations and other conveniences at and between Birmingham and Newton, and Chester and Crewe, are agreed, for the purposes of this case, to amount to the sum of 440,366*l.* for the current year of rating, and adopting the principle of a mileage division thereof, that is to say, dividing the same by 105, (being the total length of the Grand Junction Railway), the amount is 4,193*l.* (and a fraction), in respect of so much thereof as lies in the respondent parish; and it is, for the purpose of the present case, admitted that that mileage principle of division is fair and equal as respects the respondent parish.

It was admitted and agreed (subject to the opinion of the Court as to the propriety and principle of each item of deduction), that if the 1,500*l.* (*i. e.* amount of tolls) is to be adopted as the basis of calculation, the full nett annual value of the appellants' rateable property within the respondent parish will be 712*l.* 10*s.*, being the 1,500*l.* minus the following deductions (which the Court of Quarter Sessions find to be reasonable in fact), *viz.* first, 20*l.* per cent. thereof, as for the tenants' profits and subsistence, regard being had in this case to the extensive amount of responsibility, risk, &c.; secondly, 2*l.* 10*s.* per cent. for collection of the tolls; thirdly, 350*l.* per mile for the maintenance of the railway, with the works and fences, and for gate-keepers, and also for engineering and police (as to so much of the two latter items as are fairly chargeable on the proprietors of the railway as such); fourthly, 70*l.* per mile for poor-rates, highway-rates, church-rates, and tithe commutation rent-charge; and fifthly, 30*l.* per mile as for

renewing or reproducing those portions of the subject-matter of the rate which are of a perishable nature (such as rails, chairs, and sleepers, &c.), when rendered necessary by accident or decay.

The parish officers adopted, and the Court of Quarter Sessions sanctioned by their judgment, a different mode of arriving at the nett annual rateable value of the property of the appellants in the parish. They ascertained the gross yearly receipts of the company throughout the railway as above stated, viz. the sum of 440,366*l.*, and then made therefrom the following deductions (the propriety, principle, and completeness of such deductions, as well as the propriety and principle of the respondents' mode of arriving at the nett annual rateable value of the rateable property of the appellants in the parish, being referred to the opinion of this Court, and the Court of Quarter Sessions finding such deductions to be reasonable in fact): viz. 5*l.* per cent. for interest on 255,000*l.*, being the capital necessary for and actually invested by the appellants in the purchase of engines, carriages, and all the other moveable stock necessary for the business of the carriers, as conducted by them in manner aforesaid; secondly, 20*l.* per cent. on the same sum for the tenants' profits, and the fair profits of such a trade carried on by means of so large a capital and with such large risks; thirdly, 12*l.* 10*s.* per cent. on the said last-mentioned sum, as the fair annual amount of the depreciation of such stock, considered to be in the hands of a tenant from year to year, beyond all needful and usual annual repairs and expenses; fourthly, 198,962*l.* per annum, being the appellants' reasonable annual actual cost of conducting their business during the same year, in which their earnings as aforesaid amounted to 4,190*l.* per mile, in Seighford, viz. (in the coaching department), wages of guards, conductors, porters, station-keepers, clerks, and policemen, repairs of carriages, trucks, and horse-boxes, horsing parcel-carts, oil, grease, &c. for carriages, and duty on passengers, &c., and (in the merchandise department) salaries and wages of agents, clerks, porters, &c., repairs of waggons and carriages for live stock, and expenses (in both departments), and generally locomotive power, enginemen's and firemen's wages, engineering, repairing, and

cost of materials, including coke, maintenance of way, repairs of stations and buildings, office and general expenses, insurance and advertising, charge of direction, compensation account, rates and taxes, law expenses, and general petty disbursements attendant on the several businesses of railway owners and of railway carriers; fifthly, as the stations, offices, stores, and buildings, and repairing works and premises throughout the railway have been and are separately rated in the several parishes in which they are situated, although necessarily used and occupied for the purposes of and in connexion with it, and with the conduct of the traffic upon it), the respondents further deducted the fair annual value thereof, viz. 9,150*l.*; and sixthly, 30*l.* per mile, as for renewing or reproducing rails, chairs, sleepers, &c., as before.

The balance, amounting to the nett sum of 133,479*l.* was taken to be the nett annual value of the whole railway, independently of the stations and other buildings, &c. rated separately. And the Sessions found, as an inference from the above facts, that the railway and other corporeal hereditaments of the company in connexion with the railway, might reasonably be expected to let to a tenant from year to year, at the last-mentioned sum of 133,479*l.*, exclusive of the rent of the stations and other buildings rated separately, such tenant being assumed to have the power of using the railway and all its appurtenances, now the property of the company, under the same circumstances as the company, and with no other privileges and advantages than the company now possess.

The principle of mileage being agreed upon by both parties as fair, for the purposes of this rate, both as applied to the expenses and deductions, as well as receipts, the nett annual rateable value of so much of the railway as lies in the respondent parish is to be taken at 1,050*l.*, at least supposing the principle of rating adopted by the parish officers in this case, to be just and correct.

Of the total nett receipts of the company only about 30,000*l.* per annum are received in the shape of tolls from other parties using the railway on their own account. All the other rateable property in the respondent parish is rated upon an estimate of the nett

annual value thereof, within the meaning of the Parochial Assessment Act, and without directly taking into account any receipts, expenses, or allowances, having reference to the amount of actual profits made thereon.

The appellants have not any stations or buildings in the respondent parish.

In various parishes along the line of railway the parties who (as before mentioned) use the railway as carriers, and have stations, with buildings, &c., with branches into the railway, and other conveniences connected with the railway, are not rated (in the particular parishes or elsewhere) upon or in respect of or with any reference to the Grand Junction Railway, but solely for their stations. The appellants derive no pecuniary profit whatever from their land in the respondent parish, except from the tonnages and tolls, and from their fares and other receipts, hereinbefore mentioned, and their trade as carriers, in common with other carriers over the same (if, indeed, these latter profits are to be considered as profits arising from the land, which the appellants contend they are not).

The appellants contend, that, even assuming the rate to be founded on a just principle and proper basis, the deductions allowed by the respondents do not include all the items necessary to bring out the nett annual value, that is to say, the rent at which, what the respondents contend is the appellants' rateable property, might reasonably be expected to let from year to year, amongst which omitted deductions, the appellants instance, by way of example, an annual allowance for good-will.

Appellants' Account.

	£.	s.	d.
Gross produce (both to landlord and tenant) in Seighford parish (for year of rating) per mile....	1,500	0	0
Tenants' profits, subsistence, risks, &c., 20l. per cent. on gross produce..	300	0	
Collection of tolls, 2½l. per cent.....	37	10	
Maintenance of way, and engineering and supervision of way, and policemen, pointmen, and gate-keepers	350	0	
Poor-rates, highway-rates, church-rates, and tithe rent-charges	70	0	
Renewing and reproducing	30	0	
	787	10	0
	£712	10	0

Respondents' Account.

	£.	s.	d.
Total gross receipts and profits, &c. per annum.....	440,386	0	0
Interest on capital (invested in moveable carrying stock) of 255,000l.	12,750		
Tenants' profits and subsistence, 20l. per cent. on same capital	51,000		
Depreciation of stock, 12½l. per cent. on same capital	31,875		
Working expenses.....	198,962		
Rent or value of stations	9,150		
Renewing or reproducing, 30l. per mile	3,150		
	306,867	0	0
	£133,479	0	0

which gives the rateable value of the whole line of the railway, and upon which calculation it was admitted, that, adopting a mileage division, 1,050l. represented the rateable value of so much of the line as passed through Seighford parish.

The Court of Quarter Sessions adopted the principle of rating and the deductions contended for by the respondents, on furnishing the nett annual value of the appellants' rateable property, pursuant to the Parochial Assessment Act, and confirmed the rate accordingly; but, on the application of the appellants, granted a CASE for the opinion of the Court on the several questions hereinbefore raised and stated; the Court to have the power of amending or quashing or otherwise dealing with this rate as they might deem right.

And now (Nov. 15)

Kelly and Smirke were heard in support of the order of Sessions.—This case is not distinguishable in principle from *The Queen v. the London and South Western Railway Company* (1). The principle of rating there established is, that the rateable value is that sum which a tenant would pay to a landlord for the land, with all its advantages. It is true that in the case of the South Western Railway, it was found that no parties but the company exercised the trade of carriers on the railway; and it was stated in the judgment of the Court that it was not probable that those other parties would become such carriers; in other words, that any sums would be received in the shape of

(1) 1 Q.B. Rep. 558; s. c. 11 Law J. Rep. (w.s.) M.C. 93.

tolls. Such a state of facts, however, is distinctly found to exist in the present case. That, however, makes no difference in the principle upon which this rate is enforced; and, at all events, the only question that can be now raised must be raised on this 30,000*l.*, for there is no pretence for saying that any mode of rating which might be adopted with reference to that portion of the receipts would draw after it the mode of rating the whole. The Sessions, have, in fact, proceeded upon the principle laid down in the Southampton Railway case, and have found in express terms that a tenant would give 133,479*l.* for the railway, &c. (exclusive of the rent of the stations and other buildings, which are the subject of a distinct and separate rate). If the advantages derived from the stations, clerks, &c., and the business carried on by the company, were not taken into account, what would the rate be reduced to? The mere railway would be utterly valueless. The land then must either be valued as land to be used for agricultural purposes, or as land rendered valuable by the business attached to it, and by what is built and constructed on it. In the case of a house which is let for a particular purpose, and thereby become valuable, if the value were ascertained, there would be no dispute about the principle on which the rate should be assessed: why should there be any speculation as to value in this case, where it is distinctly found what the property would let for? It cannot be contended, that there is any difference in principle between the two cases; the only difficulty that exists is in its application, in consequence of the novelty of the institution of railroads. But it is contended, that a new state of facts has arisen in this case, and that the railroad is used as a high road by rival carriers, and that the company is in the receipt of tolls, on which, alone, it ought to be rated. The amount, however, of tolls is small in proportion to what the appellants earn by the beneficial occupation, and therefore rateable value, of the line. Competition, in the sense in which that term is used, with respect to a railroad or even a canal, cannot be said to exist. The company have their own stations, which must always give them the command of the railroad; the company likewise have peculiar privileges in regard to the convey-

ance of the mails under 1 & 2 Vict. c. 98, and the carriage of parcels under 500 lb. weight, by the local acts. Can it be contended that the advantages attendant on the whole railway establishment would not enhance the rent of the land?—*The King v. the Liverpool Exchange* (2), *The King v. St. Nicholas, Gloucester* (3), *The King v. Bradford* (4). That is the whole question. The company specify no means of estimating their actual profits: they complain that further deductions ought to have been made, but only specify one, namely, an allowance in respect of good-will. But there is no mode of estimating good-will, when no selling or letting is, in fact, contemplated; such a claim is inconsistent with the state of facts, and unintelligible; the tenancy is only assumed, with a view of ascertaining the value of the occupation.

Sir W. W. Follett (Solicitor General), contra.—The appellants admit that they are to be rated according to the value of the land, improved as it is by the construction of the railway; such value to be ascertained by what a tenant would give. The question is, what is such increased value, in this particular case? In the case of *The Queen v. the London and South Western Railway Company*, the Court expressed no intention of laying down a general rule, but confined their judgment to the particular case (p. 574). Again (in p. 579), it is observed, that “the case of a lessee, in exclusive perception of the tolls on a railway, practically open to rival carriers, is very different, in fact, from the case before us, and one not likely to occur.” In this particular case, however, the railway is opened to, and used by, the public, as carriers, on payment of tolls. Such user is recognized by the various clauses of the local acts, as well as by 3 & 4 Vict. c. 97, the general act for the regulation of railways. It is also stated in the case, that the appellants are carriers on their own account on other lines, in addition to their own, and on such other lines they have their own distinct establishments, stations, &c. There are, then, competing and rival carriers on the same line. Is the whole burden of the rate to be imposed upon one

(2) 1 Ad. & El. 465; s. c. 3 Law J. Rep. (n.s.) M.C. 107.

(3) 1 Term Rep. 723, n.; s. c. Cald. S.C. 262.

(4) 4 Mau. & Selw. 317.

of them alone? It is true that the tolls are granted in consideration of the outlay in making the railway, &c. The toll is incident to the occupation of the railway, and, therefore, it may be said to increase its value, and is rateable; but what interest could the company demise to a tenant? They might demise the railway itself and the tolls, but the privilege of using the railway, as carriers, they could not demise, as the public has already that right under the act of parliament. The tolls are rateable on the same principle as the steelyard in *The King v. St. Nicholas, Gloucester*, or the canteen in *The King v. Bradford*, as being an incident to the property, rendering it valuable. The question is, in all cases, as to the improvement in the value of the land: what distinction can be drawn as to rateability between railroads and canals? Can it be said, that parties who set up a carrying trade are, in any case, to be rated in respect of profits they make as carriers? Certainly not, according to the judgment of Bayley, J. in *The King v. the Trustees of the Duke of Bridgewater* (5). It is true, that if the Court is not at liberty to reconsider the case of the South Western Railway, this part of the argument must be governed by it. Much stress was, however, laid in that case on the fact of the public not being able to use the railway as carriers, which, in this case, it is found they do. The case of *The King v. the Liverpool Exchange*, and other similar cases, were decided on the ground, that the act of parliament gave certain privileges which added to the value of the occupation; but here the result of the proposed rating will be to rate the profits of the carrying trade, which is not incident to the land or the occupation of it.

The case, by the direction of the Court, was set down for argument on a *concilium*; and was argued on a subsequent day, in Hilary term, (January 17) by

M. D. Hill, for the appellants.—The effect of the various acts of parliament, particularly 3 & 4 Vict. c. 97, is, to make a railroad a statutory highway, on which it is open to any one to establish a carrying trade. The principle of *The Queen v. the London*

and South Western Railway Company need not be questioned, nor its application. The respondents rely on cases of exclusive occupation, such as *The King v. Bradford*. The thing to be determined is, what is the produce of the land? and that is to be ascertained by what he will receive who takes a demise of it. The appellants contend, that the toll measures the gross produce of the land, and that is to be taken as the foundation of the rate.

Kelly, contra.—The Court will affirm the decision in *The Queen v. the London and South Western Railway Company*, and this rate: there is no dispute about the principle that is laid down by the statute (6 & 7 Will. 4. c. 96. s. 1). What would a tenant give, by way of annual rent, he being put in the situation of the company? No real distinction is attempted to be made between that case and this. The provisions of the acts regulating both companies are the same. When the rate in the Southampton Railway case was made, the railway was altogether in the hands of the company, and they were the only carriers upon it. Does it make any difference that the company are carriers, and likewise receive fixed tolls from other persons who also carry on the line? In substance, the appellants now say, that the rate is to be calculated upon the tolls received, supposing the trade to be carried on entirely by other persons paying rates. The respondents, on the other hand, contend that an imaginary state of things must not be looked to, but the actual receipts. What are they in that case? It is found that the company take 30,000*l.* in the shape of tolls, and upwards of 400,000*l.* as carriers. The entire sum, therefore, must be the foundation of the rate. This is in accordance both with *The Queen v. the London and South Western Railway Company*, and *The King v. the Trustees of the Duke of Bridgewater*. In this view the profits of trade have not been rated at all. With regard to goodwill, that cannot be taken as matter of deduction, but would be considered in estimating the amount which a tenant could afford to give.

Hill, in reply.—In *The King v. the Trustees of the Duke of Bridgewater*, the Court laid down the true principle, "The profits of carrying goods is the profits of their trade; the tonnage is the profit arising from the

(3) 9 B. & C. 68; s. c. 7 Law J. Rep. M.C. 81.

land occupied; that is an intelligible principle, and not to be departed from." He also referred to *The King v. Adames* (7).

Curr. adv. vult.

The judgment of the Court was now (May 10th) delivered by—

LORD DENMAN, C.J.—This was an appeal against a poor-rate, and was argued in Michaelmas term last, and again, on a *concilium* in Hilary term, and has been heard by all the members of the Court. Independently of the several questions of detail, which we will consider hereafter, the main arguments of the appellants were directed to shew that this case is distinguishable from the case of *The Queen v. the London and South Western Railway*, upon points which went to the principle of the judgment in that case, while the respondents contended that the two cases are in principle the same, and that that judgment must govern the Court in this case. It is necessary, therefore, in the first place, to compare the two cases: if they shall be found to be different in the material circumstances, the principles of that decision may lead to a contrary one in this case; at all events, on that supposition, that decision will not bind in the present case. If they shall be found to be substantially the same, it may be necessary to consider whether our own reflections, or anything urged in the argument, should induce the Court to depart from their former decision. In that case, the facts found (and it must never be forgotten that the propriety of a poor-rate can only be determined with reference to the facts found to be actually existing when it was made) were, that the company were in the sole and exclusive occupation of the railway warehouses, stations, and landing-places, and being so, were solely and exclusively carrying on a large business as carriers thereon; that although their act had, under certain limitations, made the railway a highway for all the liege subjects, and gave them a right to use it as such, either as carriers or for individual travelling, and in such cases provided for the payment of tolls to the company; yet that, in fact, no one having availed himself of this right, nor, as we think, having

the power of doing so conveniently or effectually—no tolls were in fact earned. To this then existing state of facts we applied the established principle of rating, that the rate is to be upon the occupier in respect of the beneficial nature of his *occupation*; in estimating which, as to the amount, or to put it in other words, in ascertaining how much annual rent such an occupation may be expected to command, parish officers are to consider, not drily and only what would legally pass by the demise of it, but all the existing circumstances, whether permanent or temporary, wherever situated, however arising or secured, which would reasonably influence the parties to the negotiation for the tenancy as to the amount of the rent. We, therefore, thought it impossible in that case to separate the three or four miles of the railway within the respondent parish from the whole line running through many other parishes, or that whole line from the warehouses, stations, and landing-places, or those again from the consideration of the peculiar conveniences which the tenant would have for carrying on as occupier a lucrative business, if not the effective monopoly which the provisions of the act appear to give to the occupier for carrying on such a trade. What, under the act, was possible by law, what, in point of fact, might in future be, we thought immaterial as to the principle, although very fit to be taken into account when making the calculation as to the quantum. But in principle, the parish officers were to look at the actual state and value of the occupation. In the case now under consideration there are some facts entirely different from those which we have just mentioned; the case finds that other parties, as well as the appellants, exercise the right of being carriers over various parts of the railway, including therein that part of it which is within the respondent parish, providing for themselves, independent of the company, (subject, however, to its controul, under the acts of parliament) carriages and all things necessary and convenient for the conveyance of passengers and goods, separate stations, and independent branches into, and communications with the railway. These make profits of their carrying trade, as do the appellants, and pay them the tolls which they have fixed under the powers given them by their

(7) 4 B. & Ad. 61; s. c. 2 Law J. Rep. (N.S.) M.C. 90.

acts; besides these, another class of carriers hire from the appellants engines, and use the landing-places, &c., but find their own carriages; these also make profit of their carrying trade on the railway, and pay to the appellants both toll and a compensation for the use of the engines, stations, and other accommodations provided for them; and as the appellants receive tolls from these persons in respect of the goods and passengers conveyed by them on the railway, so they keep an account, as directed by their act, of the toll, which would be produced by them, for the conveyance of goods and passengers, not on their own account. This, added to the compensation above mentioned, forms the total produce of the whole land, which the company, if not a carrier, or a lessee of the railway, carrying on no trade upon it, would receive as the aggregate of the line, and is that upon which, alone, after due deductions, the company contend, the rate ought to be imposed. We understand them, although it is not precisely so stated, to admit the principle of considering the whole line as entire, and to arrive at the exact sum at which they contend the rate in the respondent parish should be fixed by a mileage division of the whole line—a principle very convenient in itself, and rightly adopted by consent. It is unnecessary, after this statement, to point out the difference, in fact, between the two cases; but we cannot see how this difference bears upon the principle on which the rate is to be imposed, or which governed the Court in the former decision, which proceeded entirely on the existing state of the facts. Each of the two companies must be rated in respect of the occupation of the land: one of them derives no benefit from that occupation, except by carrying goods and passengers, and the division of that profit into tolls and fares we think merely nominal; the other, in addition to this mode of profit, by occupying, also derives a profit from allowing others to carry goods and passengers on the line also, and this latter profit is properly called tolls; still in both cases the inquiry must be the same—what is the value of the occupation, from whatever source derived? In neither, can the profits of trade, as such, be brought into the rate, but if the ability to carry on a gainful trade on land adds to the value of the land,

that value cannot be excluded, on the ground that it is referable to the trade. Suppose a house occupied by a private family to-day, which, having greater advantages of situation for the purpose of trade, should be turned into a shop to-morrow, and, in consequence, let for double or treble the former rent, would not the rate be properly increased in proportion? Could it be objected, that to do so is to rate the profits of trade? Again, suppose the occupier were to let out different rooms to other persons carrying on the same trade as himself: and this mode of occupying was said to increase the value of the house to let, would this at all vary the principle on which he was rated, although it would increase the *quantum*? Lastly, suppose, instead of this species of under-letting being at the option of the occupier, all persons using the same trade had the right by some statute, under certain restrictions, to carry it on in the different rooms of the same house, paying a large compensation to the occupier, would not the principle of the rate be still the same? would it be material to inquire how the occupation became more valuable, except for the purpose of making greater or less deductions, which the nature of the occupation would make just? We may all remember when the large premises in Soho Square, now used as a bazaar, were occupied as a private residence. The present mode of occupation, no doubt, increases the rent; but whether one man, being the tenant alone, carried on the various trades now exercised there, or sold goods himself at some of the stands and let out others, and so derived his profit in part directly from trade, in part from the rent paid him by the traders, or let out all the stands, and so earned no profit but from the rents paid him by the traders, the result would be, in either case, exactly the same; the overseers could only inquire what was the fair rateable value of the thing so occupied; nor, as we have said before, could the inquiry be at all affected if the occupier of the bazaar held it under some statutable licence which compelled him to let his stands to all persons paying certain rents, and submitting to certain regulations. But it is said, that in the case supposed, all is referable to the occupation under the supposed lease that conveys the exclusive dominion, and

thence flow naturally the means of making profits. We have, in truth, already given the answer to this; but it will be plainer if we observe, that there is a fallacy in confounding that which the lease conveys the legal title to, with that which it gives the lessee the means of doing or obtaining. No two things can be more distinguishable; and it is the latter which regulates the rent the tenant will give, and not the former. Suppose two estates of equal size and in all respects of equal fertility, but one surrounded by excellent roads, a canal near to it, and a large market, and the other without these advantages; of course the rent and rateable value of the one would be larger than the other; yet a tenant would take no more by the lease of one than he would by the other: the lease would give him no legal title, which he had not before, to use the roads, canal, or market. Or suppose a more peculiar case:—A, the owner and occupier of Blackacre, and having the command of a stream of water which he can turn over Whiteacre, and on that account desires to rent it: to him it will be more valuable than to any other occupier, because he fertilizes at very little expense; he will, therefore, give a larger rent than any other person; yet, by the lease, he would take no more than any other person, although he ought undoubtedly to pay a higher rate. Apply the principle of this case to the railway of the appellants, and it is quite true that if they were to let it to a tenant, the lease would convey the land and railway only, and give a title to the tolls only; but the lessee would undoubtedly consider the facilities and advantages which the occupation as tenant would afford him for carrying on a lucrative trade as a carrier; and in whatever proportion that consideration would increase his rent, in the same, after due allowance, would his rate be raised also. The two propositions are equally true, that the rate is not to be imposed in respect of the profits of trade, and that it is to be imposed in respect of the value of the occupation; and two propositions that are true, and applicable to the same subject-matter, cannot be inconsistent; and we think the respondents in the present case, by the scheme they proposed, have shewn that they are not so. The gross yearly receipts of the company, as occupiers of and car-

riers on the railway, must include the proper subject-matter of the rate; they have therefore taken a sum agreed to represent them as the first point to start from; they then assume an amount of capital employed in the trade, and deduct from the former sum 5*l.* per cent. on the latter for the interest of this capital, and 20*l.* per cent. for the profits which ought to be made upon it; thirdly, for the depreciation of stock beyond the usual repairs and expenses; fourthly, they deduct from the gross receipts the annual cost of conducting the trade; fifthly, they deduct the annual value of all the lands occupied by stations, &c.; and, sixthly, a sum per mile for the reproduction of rails, chairs, sleepers, &c. These deductions, taken together, seem to us to include whatever is properly referable to the trade, as distinguished from the increased value which that trade gives to the land. We do not now speak of the amounts allowed under each item, and we are not competent to give any opinion on this point, which is properly for the Sessions; but if these are the proper heads of deduction, then the residue must represent the value of the occupation; and if so, this alone is brought into the rate, and the profits of the trade are excluded. Accordingly the Sessions have found, as an inference from the facts, that the residue is the sum which a tenant from year to year might reasonably be expected to give for the railway and corporeal hereditaments now occupied by the company in connexion with the railway, exclusive of the stations and other buildings, (which are rated separately,) such tenant being assumed to have the same and no other power of using the railway—the same and no other advantages and privileges than the company now possess. If the deductions exhaust that portion of receipts referable to trade, the inference of the Sessions is fair. If the advantages and privileges which the company possess are attributable to their occupation, and would pass with it, their assumption is well founded, and we agree with them in both. The appellants, however, contend, that even if the principle of the rate be fair, some reasonable deductions are omitted. We have used the sufficiency of the deductions made as a mode of trying the principle, but the objection of the appellants now to be considered is one of detail. The only instance which

they specify and rely upon, is, that an allowance ought to be and is not made for good-will. We presume by this it is meant, that a person bargaining with the company to become their yearly tenant of the railroad, in the expectation of succeeding to their trade, as a probable consequence of succeeding to their occupation, would properly be called upon to pay them something for the good-will of that trade, and that this would be in the nature of an out-going and deduction from the profit. This objection appears capable of two answers: the first and the decisive one is, that the purchase of good-will implies that the trade is sold; that the company are to be bound to surrender their trade to the lessee, and no longer to be carriers on the line; but the calculation of the Sessions proceeds on no such supposition. All those special advantages, indeed, for carrying it on, which the occupation gives them, whatever they may be, they must necessarily surrender; but the moment they have leased the railway, they would become part of the public, and have the right of carrying on their trade, retaining all the good-will, with all those advantages which were carefully reserved to the public. Secondly, although the supposition is, that a tenancy is to be made, yet what the incidents of the tenancy must be, as to the actual terms of allowance, must be determined for the purpose of fixing the amount of the rate by the actual state of things; for this supposition of a tenancy is only a mode of ascertaining the existing value of the occupation to the existing occupier. Now, here, there is no tenancy in fact—no good-will is, in fact, paid for; and therefore no deduction ought, in fact, to be made on account of its price.

Again, it is contended, that the existing facts of this case shew the unreasonableness of the rate. The carrying trade of the company goes beyond their own line upon the railway of other sets of proprietors; but the receipts arising from this have been excluded from the rate: this, it is said, is inconsistent. How can the profit which the same engine earns by drawing goods over one mile be of a different character from that it would earn in the same employment over the next mile? So far from there being any inconsistency in this, it is necessarily involved in the principle

on which the rate rests. That the distinction can be made, and has been made, is no slight proof of the soundness of that principle. The moment the engine leaves the railway of the company, what it earns ceases to have any connexion with their occupation of the railway. It may, and of course does, increase the value of the occupation of that other line in which it then works; and will, of course, in the shape of toll, proportionately increase the rate which the occupier will pay; but if it were allowed to swell the charge on the company, it could only do so in respect of the profits of the trade; and this our principle excludes. But it is said, lastly, that this principle works injustice between the company and the other corporations and individuals who carry upon the line; their engines and their trade, it is said, pay nothing to the poor-rate, nor their fares, and they pay indirectly only in respect of their tolls, which may be supposed to be calculated so as to bear their own rates; whereas the company pay both on their tolls and on their fares. Colour is given to this objection from the fact which might seem to explain it, that the company fill two characters, the other party one only; but the proper answer is a denial of the fact: the company do not pay directly or indirectly on their fares; they pay it only on the increased value of their occupation of the land, occasioned by whatever circumstances. If the trader should underlet to a lodger a room in his house, in which he drives the most profitable trade imaginable, such lodger would pay no poor-rate at all; but as the trader would proportion the rent at which he lets the lodging to the advantages which such lodger derives from them, the total rent which a trader would pay, and the rate which could be imposed on it, would be proportionably increased. But could he complain of any injustice, or say that he carried on his own trade in the rest of the house to disadvantage, because in his rate the value which the trade so carried on in the residue gave to the occupation, was also taken into account in fixing the quantum of the rate? Yet these parties who carry on a trade on the company's line are, in effect, but in the nature of lodgers, or parties enjoying a profitable easement on the line, and, by the consideration they pay, increase its general value.

In the examination which this case has compelled us to make, we have been necessarily led into a re-consideration of the principles on which the decision in the case of the South Western Railway Company proceeded: that decision was not directly impugned, but the distinction of facts relied on has appeared to us, on examination, so unsubstantial that it was necessary, in order to a decision against this rate, to examine the principles on which that was upheld; and in a matter of such vast importance, and such apparent novelty—where, too, the decision of this Court cannot be reviewed in a court of error—we were not unwilling again to examine the question. Upon the whole, we are satisfied with the decision of the Sessions; it appeared to us founded upon a just application of established principles, and in accordance with many decided cases, and conflicting with none.

Our judgment, therefore, will be for the respondents.

Order of Sessions confirmed.

1844. } *Ex parte* THE DUKE OF MARLBOROUGH.
May 7. }

Criminal Information—Magistrate, Words spoken of.

The Court refused to grant a rule for a criminal information for words spoken of a Magistrate, charging him with oppression in his office; they not being spoken at the time he was acting in his office, and not therefore amounting to an immediate obstruction of the administration of justice.

Thesiger (Solicitor General) applied to the Court on behalf of his Grace the Duke of Marlborough, for leave to file a criminal information against Charles Humfrey, Esq.

It appeared from the affidavits upon which the motion was made, that in consequence of an approaching election for the borough of Woodstock, Mr. Humfrey had been invited to offer himself to the electors, as a candidate in opposition to the Marquis of Blandford, the son of the Duke of Marlborough. A meeting was held in the town hall upon the 22nd of April 1844, at which

the Marquis and Mr. Humfrey were present, who were respectively proposed and seconded as the candidates, and addressed the persons assembled in the town hall. The affidavits then set out Mr. Humfrey's speech, upon which this application was founded, which, after stating that the borough had been shamefully neglected, the tenantry oppressed, the poor utterly forgotten, and the sick and destitute unrelieved, while the Duke of Marlborough had been enjoying all the honour of his princely rank, and all the wealth of his high station, without doing the slightest good to a borough of which he claimed to be the patron, and after other statements relating to turning a tenant out of his farm, and the service of notices to quit upon 140 cottagers, proceeded thus:—"I shall now tell you how a poor man has been treated. There is a man named Harris, aye, that is his name, which, if the duke should hear of on his dying bed, and is not haunted by the spectre of that man, his heart must be even harder than it is represented to be. This Harris was a respectable man, but not rich; he held a cottage under the duke, and kept a horse. One day he took this horse to water at a pit, to which he certainly had no legal right to go, and Timothy Slingo, the Duke's hayward, passing by, took up the horse to put it into the pound. Harris touched the horse with his whip, and it broke from the hayward's custody, and naturally enough ran back to his own stable. Harris was summoned for rescuing the horse, and committing breach of pound. He was fined 1s. and the costs, which amounted to 19s. 6d. This was more than he could pay, and he went to gaol. When he was in gaol his creditors came upon him; his property was seized, and sold under an execution; he became a ruined man, and he is now at work upon the roads (great tumult and a cry of 'tis true'). Yes, it is true, but I have not told you all—(Harris was here raised above the heads of the crowd). Yes; that is the man. The duke might tremble to see him. Two Magistrates, before whom he was first brought, refused to convict him, because they considered that the hayward had somewhat exceeded his duty. He was then brought before the duke, a fit judge in his own cause; and sitting on his own dog-kennel, with a glass of ale in his hand, the Duke of Marlborough himself convicted

Harris, and sent him to gaol. I ask, will the Marquis of Blandford undertake that the man shall be re-instated, and restored to his former position; have his cottage, his furniture given back to him? Ah, gentlemen, I fear that nothing can make Harris what he was before he became the victim of the shilling fine, and the 19s. 6d. costs." The speech also contained several other charges against the duke; one, of having turned a tenant out of a farm, who had lent money to the duke; another of having had a man summoned and fined 3d. for picking up part of a deer's horn in the park at Blenheim; another for having had a man summoned and fined a farthing for drawing a garden-chair upon the grass, instead of upon the road in Blenheim Park: but as the case principally relied upon in favour of the rule, and that upon which the judgment proceeded, was that of Harris, it is not necessary to state the others more fully.

With regard to the case of Harris, the affidavit of the duke (who was a Justice of the Peace for the county of Oxford, and Lord Lieutenant of the county,) denied that in 1841, the time referred to, Harris held any cottage under the duke, but stated that in 1842, ten months after the conviction for pound-breach referred to, Harris had applied to an agent of the duke, to become, and had become tenant to the duke of an allotment of land. It also deposed that Slingo was not the duke's hayward, nor in any way his servant or appointed by him, but was appointed by the surveyor of the highways. It then stated, that on the 2nd of June 1841, in consequence of an agricultural meeting being about to be held in Blenheim Park, it was appointed, for convenience, that the petty sessions should be holden upon that day at a farm in the park called the Kennel Farm, instead of at the usual place in Woodstock; that the case of Harris, was charged with releasing a horse when seized by the hayward, was appointed, amongst others, to be heard there, (but without deponent's previous knowledge, or his being aware that any complaint or information had been laid against Harris); that the petty sessions were holden accordingly in the parlour at the farm, and not elsewhere, at which the duke and two other Magistrates attended; that no two other Magistrates had previously inquired into the case, and refused to convict; that the case was heard,

and upon the evidence the three Justices felt bound to convict, when Harris was convicted in 2s. 6d. fine and 12s. 6d. costs, but that, at the suggestion of the duke, the fine had been reduced to 1s., and that Harris was informed that a fortnight would be given him to pay the money, when, if it was not paid, he would be committed. The affidavit then stated, that the duke had endeavoured to discharge his duty on the occasion with strict impartiality, and that the conviction was the judgment of the three Magistrates. It denied that there was any ale; that the duke was a judge in his own cause; that he sat on his own dog-kennel, or that there was any kennel at all within a mile of the place. It further appeared, that on the 16th of June, at a petty sessions, the fine and costs not having been paid, a warrant was in the ordinary course presented to and signed by the duke and one of the two other Magistrates, for the commitment of Harris to the house of correction for fourteen days, unless 1s. and the costs were sooner paid. It then denied all vindictive feeling against Harris. There were also answers given to the other charges.

LORD DENMAN, C.J.—This is an application to the Court to exercise its extraordinary jurisdiction, by granting leave to file a criminal information. The words spoken of the Duke of Marlborough, which formed the subject of the present complaint, undoubtedly conveyed grievous imputations upon that noble person, on whose part the application has been made; and it is certainly not to be wondered at, that his Grace has taken the earliest opportunity of coming to this Court, for the purpose of denying upon his oath the truth of the imputation which had been made against him. The question, however, which arises for the decision of the Court, upon the present application, is, whether the words complained of were such as, according to the practice of the Court, formed a sufficient ground for directing a criminal information to be filed. With regard to the last three statements of the series, it is clear upon all the authorities, that they cannot support a decision of that nature, unless the offence actually committed could be transformed into one of a different sort, and brought forward as an attempt to provoke the ap-

plicant to the commission of a breach of the peace. There is one portion of the words concerning which the Court had entertained some doubt, as to whether they did not constitute a ground for acceding to the present motion, and these were the words which charged the Duke of Marlborough with corruption and partiality in the discharge of his duties as a Magistrate. The denial of that charge in the duke's affidavit was complete; but the Court was unable to find any case in which the speaking of words of that nature had been considered sufficient to support a motion of this kind, unless they were addressed to the Magistrate himself in the actual discharge of his duties as such; and the ground upon which the Court interfered in a summary manner in such instances was, that the offence in these cases amounted to a direct and immediate obstruction of the administration of justice; and no case had occurred where a criminal information had been issued for the mere speaking of words imputing misconduct to a Magistrate, but disconnected with circumstances which tended to produce a direct and immediate obstruction of the administration of justice. It was true Mr. Starkie, in the edition of his work upon libel, published in 1830, (1) had the following passage: "The case might fall under a very different consideration, if a Magistrate were to be charged with some specific act of oppression or corruption in his judicial capacity." Such an act is charged here, but this doubt of Mr. Starkie was only a doubt even now, as there had not, in fact, occurred any case where the intimation of that learned person had been affirmed by the decision of the Court. The Court had expected that the learned Solicitor General would have commented upon the cases which had occurred upon the subject; and they attributed the omission to the fact, that there was really no case, nor even any dictum which went the length of shewing that the present application ought to be granted. The Court could not therefore comply with this motion, without creating a precedent entirely new, and setting an example, which it was not clear that the law of the land would justify the Court in making. One principle which prevailed

throughout all the cases upon the subject was, an unwillingness to turn mere words into a crime. There was, in all such cases, so much difficulty about the proof, and so many explanations might be available, for the purpose of explaining and qualifying, or greatly palliating the words which might happen to be the subject of complaint, that the Court was extremely unwilling to interfere in a summary manner, upon oral testimony alone. In such cases the Court could not interfere in a summary manner, without violating the authority of all the former precedents, and opening a door to inquiries, the consequences of which it would be impossible to foresee, or to calculate. For these reasons no rule would be made upon the present motion.

PATTESON, J. observed, that the Lord Chief Justice had so completely expressed his (Mr. Justice Patteson's) views upon the case, that he thought it unnecessary to add anything to the judgment of his Lordship.

WILLIAMS, J. concurred.

Rule refused.

1844. } THE QUEEN v. THE INHABITANTS OF LEEDS.
June 3. }

Order of Renewal—Baron and Feme—Examination.

Where husband and wife are living together, and become chargeable, and no settlement of the husband can be ascertained, the wife cannot be removed to the place of her maiden settlement, the husband alone consenting to the separation.

Whether such a separation could be made, if both husband and wife consented—quære.

The heading of an examination was—“The examination of J. M., of, &c., taken upon oath at, &c., before us, &c., touching the place of his lawful settlement.” The examination then shewed an inquiry as to the place of settlement of J. M., and that no settlement of his could be discovered. It then disclosed the maiden settlement of L. M. his wife:—Held, that the heading of the examination was sufficient on which to make an order to remove the wife (without her husband) and their four children to the wife's maiden settlement.

(1) Vol. II. p. 199.

The examinations stated, that diligent inquiry had been made, in all likely places, to ascertain the settlement of the father and mother of J. M., and his settlement, or the place of his birth, but that the settlement of neither could be ascertained. They then shewed the maiden settlement of the wife, to which place the order removed herself and children.

Held, that the examinations were not defective in not excluding, as the place of birth of J. M., Scotland, or Ireland, or either of the isles of Man, Jersey, and Guernsey, though, if his birth had taken place in either of those countries or islands, he would have been liable to have been passed there with his wife and such children as had not gained a settlement in England, under 3 & 4 Will. 4. c. 40. s. 2.

An order was made in January 1843, for the removal of *Lydia Morgan, the wife of John Morgan*, and Margaret aged twelve years, Thomas eight years, John four years, and Ann one year and nine months, their children, from the township of Leeds to the township of Washton. Upon appeal to the Quarter Sessions for the borough of Leeds, the Court quashed the order, subject to a case, of which the following are the material parts:—

CASE.

The examinations on which the order was made were taken down in writing, on the same sheet of paper on which the order was written, except the examination of George Smith, which was on a separate sheet. The examinations were in the words following:—

“Borough of Leeds, in the county of York. The examination of John Morgan, of Leeds, taken upon oath at, &c., before us, A. T. and G. W. Esqrs., two of Her Majesty's Justices of the Peace in and for the said borough, touching the place of his lawful settlement, who saith as follows: [after stating his marriage and the birth of the four children, and that none of them were emancipated, he proceeded:] I am now living, residing, and inhabiting, with my said wife and children, and we are all actually chargeable to the township of Leeds. I never gained a settlement in my own right. I never heard where my father and mother were married. They neither of them had settlements in England to my knowledge and

belief. I never knew the place of my birth, though I have made diligent search and inquiry to ascertain it. My father died twenty-four years ago, and my mother eight years ago. In October last, I assisted George Smith in endeavouring to discover my place of settlement, and the place of settlement (if any) of my father and mother, and we inquired of all persons, and searched in all likely places to find a place of settlement for me, but without success. We could not discover any settlement for me, and I believe I never had any. *I hereby consent and agree that my said wife and children shall, without me, be removed to the township of Washton, in the county of York, that being the place of her maiden settlement at and immediately before her intermarriage with me; and I pray that such removal may be forthwith ordered.*”

The examination of Lydia Morgan, taken upon oath at the time, place, and in manner aforesaid, who says, “I am the wife of the above-named John Morgan. I never gained a settlement for myself. I am the lawful daughter of the under-mentioned John Miller.”

Then followed the examination of John Miller, which shewed the settlement of himself and of Lydia Morgan, derivatively from him, to be in Washton; and then the examination of George Smith, one of the overseers of Leeds: the heading of this examination was as follows;—“Borough of Leeds, in the county of York. The examination of George Smith, one of the overseers of the poor of the township of Leeds, in the said borough, taken upon oath, at &c., on &c., before us, &c., touching the last place of the legal settlement of *John Morgan, and Lydia his wife, and their children*, who says, I have together with John Morgan made diligent search and inquiry with the object of discovering and ascertaining whether John Morgan hath any legal settlement, and I have not been able to discover that he hath by his own act, or the act of his parents, or their ancestors or otherwise, acquired any settlement,” &c.

The grounds of appeal were, first, that when the examinations were taken, John Morgan and his wife and children were living together, and it does not appear that he was not a person born in Scotland or Ireland, or in the Isle of Man or Scilly, or in either

of the isles of Jersey or Guernsey, or that being born in one of the countries or isles aforesaid, he has gained a settlement in England, the place whereof is unknown; secondly, that the examinations shew no search or inquiry to ascertain whether John Morgan was born in one of the countries or isles aforesaid; thirdly, that it is not shewn where the searches mentioned in the examinations, as to the place of settlement of John Morgan, were made; fourthly, that it does not appear by the examinations that Lydia Morgan consented to be removed to Washton without her husband; fifthly, that the examinations are informal and insufficient and bad on other grounds than those above stated, and do not shew good cause for the removal of the paupers from Leeds to Washton; sixthly, that the examinations whereon the order of removal was made were not duly taken by A. T. and G. W. Esqrs., the two Justices by whom the order was made.

When the appeal came on to be heard, the appellants insisted that the examinations were insufficient upon the fourth ground of appeal. They also claimed a right to insist under the fifth and sixth grounds, that the order should be quashed, as it appeared, on looking at the examinations, including the headings thereof, that the examinations of John Morgan, Lydia Morgan, and John Miller, were not taken in the matter to which the order related. Upon the objections on the fourth, fifth, and sixth grounds, the Court below quashed the order, subject to the opinion of this Court. The appellants also insisted that the examinations were insufficient, upon the first, second, and third grounds, with respect to which also the case was granted. If all the objections should have been overruled, then the order of Sessions to be quashed, and the order of removal affirmed. If all or any objections were fatal, then the order of removal to be quashed, and the order of Sessions affirmed.

Bliss and Stapleton, in support of the order of Sessions.—This is an order separating the wife and children from the husband, which, at all events, cannot be done without the consent of both husband and wife—*The King v. Ellham* (1). There is no consent of the wife in this case, so that

it is unnecessary to consider whether *The King v. Ellham* could be supported. But a strong inference arises that that case is not law, from the circumstance that in cases where the wife only has been removed, and it has not appeared where the husband has been at the time of the removal, the Court will not intend that such removal will effect a separation between man and wife, but will rather presume that the husband is at the place to which the wife is sent—*St. Michael's, Bath, v. Nunny* (2), *The King v. Ironacton* (3), *The King v. the Inhabitants of Stockton* (4). So a separation of a mother and child within the age of nurture will not be permitted—*The Queen v. the Inhabitants of Birmingham* (5). The examinations are also defective, in not excluding as the place of birth of John Morgan, either Scotland or Ireland, or the isles of Man, Jersey or Guernsey. Since the 59 Geo. 3. c. 12. s. 33 (6), if a poor person, born in either of those countries or islands, becomes chargeable in England, having gained no settlement there, he is to be removed with his wife and such children as have gained no settlement there, to the place of his birth—*The King v. the Inhabitants of Leeds* (7). If the husband was born in any one of the above places, the removal is improperly made to the wife's maiden settlement. The examinations are also insufficient to support the order, as, with one exception, the heading of them relates to, and they purport to be taken touching the settlement of John Morgan only; whereas, the order removes the wife and four children, and not the person whose settlement was the subject of the examinations—*The Queen v. the Inhabitants of Silkstone* (8).

Hall and Pashley, contra.—It must be admitted, that it does not expressly appear that the wife consented to the removal to her maiden settlement, which may make this case distinguishable from *The King v. Ellham*, though there is no doubt that in

(2) 1 Stra. 544.

(3) Burr. S.C. 153.

(4) 5 B. & Ad. 546; s. c. 3 Law J. Rep. (N.S.) M.C. 48.

(5) *Ante*, 1.

(6) Repealed and re-enacted by 3 & 4 Will. 4. c. 40.

(7) 4 B. & Ald. 498.

(8) 2 Q.B. Rep. 520; s. c. 12 Law J. Rep. (N.S.) M.C. 5.

(1) 5 East, 113.

fact she consented; and it is not clear that the husband's acquiescence alone is not sufficient—*The King v. Eastbourne* (9). But, at all events, the order will be good as to two of the children, as they are above the age of nurture. Next, it was not necessary that the examinations should negative the birth of the husband in any of the places mentioned in the statute. That would be no more than a birth settlement, and would be superseded by the mother's maiden settlement—*The King v. the Inhabitants of St. Mary, Leicester* (10). Then, as to the examination not being made respecting the settlement of the wife and children; that objection is not open upon the general ground of appeal. The examination of John Morgan certainly applies to his place of settlement, and shews that it is not known. That was a preliminary step to removing the wife to her maiden settlement. The other examinations, in the heading of them, are not stated to be taken as to the settlement of any particular person, but the order determines the subject-matter of the inquiry. The examination need not be complete, *per se*. The heading is not a statement made by the overseers or witnesses, but is affixed by the clerk.

Cur. adv. vult.

Upon a former day (April 20), LORD DENMAN, C.J., stated, that the question of separating the wife from her husband hardly arose in this case, as no consent of the wife to the separation was shewn, which, at all events, was necessary, and the Court confirmed the order of Sessions generally. But, upon a subsequent day, it being intimated that the decision in that part of the case would not affect two of the children, who were above the age of nurture, the Court, after considering the further points raised with regard to them, delivered the following judgment:—

LORD DENMAN, C.J.—In this case, the order of Sessions was confirmed by this Court, upon the single ground that the wife had not consented to be removed without

the husband; and that such consent was necessary to a valid removal, assuming that it could be valid under any circumstances. The Court did not then recollect, that this ground of decision did not apply to two of the children, above the age of nurture, as to whom it is necessary to consider the other points of the case. One point arises upon the examinations of the father and mother, and one Miller, which were taken touching the lawful settlement of the *father* only; whereas the order of removal is of the *wife and children* to the wife's maiden settlement; and it is alleged that the examination should have been headed accordingly. We think this point is not tenable. An inquiry into the father's settlement was necessary in this case, and was the foundation of the proceeding, for until it appeared that his settlement could not be discovered, the wife's settlement would be immaterial; and when it did so appear, the rest of the inquiry followed as of course. The heading of an examination may be important with regard to an indictment for perjury, and to shew that the examination was taken in a matter in which the Magistrates had jurisdiction. Here the heading shews jurisdiction; and it is true as far as it goes, for there was an inquiry touching the settlement of the father, and also a further inquiry arising out of the first inquiry. If that further inquiry had been unconnected with the first, the case would have been very different, but as it is, we think it so naturally arose out of the first inquiry, that we must hold that the examination was sufficiently taken. The second point we also think untenable. It appears from the examination that diligent inquiry was made to ascertain the father's settlement. The precise nature of those inquiries need not be stated. Then it is said, that the examinations do not negative the father having been born in Scotland, Ireland, or the islands of Scilly, Jersey, or Guernsey. It is obviously impossible to negative his birth in the places mentioned, except by shewing where he was born. It is absurd to require a search in Ireland, Scotland, or those other places; and even if such search were made, the same necessity applies to searching every parish register in England. We are, therefore, of opinion that the order of removal is good, and ought to be confirmed with regard to the two chil-

(9) 4 East, 103.

(10) 3 Ad. & El. 644; s.c. 4 Law J. Rep. (N.S.) M.C. 96.

dren above the age of nurture; but that it should be quashed, and the order of Sessions confirmed as to the wife and the two children within the age of nurture.

Order of Sessions confirmed as to the wife and two children within the age of nurture, and quashed as to the other two children.

1844. } THE QUEEN v. LORD HASTINGS
June 3. } AND ANOTHER.

Bastard—Order of Filiation, Application for—Hearing—Costs.

Upon an application to petty sessions by the guardians of a union, for an order upon a person whom they charged with being the putative father of a bastard child, a notice of the intended application was put in, purporting to be signed by several guardians: the person charged called for proof that the notice was signed by a majority of the guardians, which not being given, he contended that the case could not be proceeded with, and the Justices thereupon dismissed the application, and made no order upon him.

Held, that this was not such a hearing of the application under the proviso in sec. 78. of 4 & 5 Will. 4. c. 76. as entitled the person intended to be charged to his costs; and the Court refused to direct a mandamus to the Justices, commanding them to make an order for them.

Gunning, on behalf of John Shepherd, had obtained a rule, calling upon Lord Hastings and James Gay, Esq., Justices for the county of Norfolk, to shew cause why a writ of mandamus should not issue, directed to them, commanding them to make an order, ordering and directing the guardians of the poor of the Aylsham Union to pay to the said John Shepherd the full costs and charges incurred by him in resisting an application made by the guardians of the poor of the said union to the said Justices, at a petty sessions held before them, &c. for an order upon the said John Shepherd, to reimburse the union for the maintenance and support of a female bastard child, born of, &c.; upon the hearing of which said

application the said Justices did not think fit to make any order thereon, but refused to make any order thereon, and dismissed the same.

It appeared by the affidavit of Shepherd upon which the rule was granted, that upon the 20th of March 1844 he had been served with the following notice:—

"Whereas D. T., late of, &c. was on the 14th day of February last delivered of a female bastard child, and the said child, by reason of the inability of its said mother to provide for its maintenance, on the said 14th day of February last became chargeable to the parish of H., and from thence hitherto has been maintained and supported by the Aylsham Union, in which the said parish is situate; and whereas we, the undersigned, being a majority of the guardians of the said union, duly assembled at a meeting of the board of guardians of the said union, having made diligent inquiries as to the father of the said child, do find and charge that you, John Shepherd, of Milton Constable, in the said county, farmer, are father of the same; therefore take notice, that we, as such guardians of the said union, intend on the 28th day of March instant to apply to the Justices of the peace at the petty sessions, to be holden at, &c., in and for, &c., for an order upon you, the said John Shepherd, to reimburse the said union for the maintenance and support of the said child. Given under our hands, at a meeting of the board of guardians of the said union, held," &c. Signed by seventeen guardians.

The affidavit then stated that Shepherd, in pursuance of the notice, attended with his attorney at the petty sessions, and on the case being called on he produced the notice, and admitted the service in fact, and then called upon the parties who appeared to support the application, to prove that the notice was signed by a majority of the guardians, who by law ought to have signed the same, but that the same was not proved; that thereupon the Justices refused to make any order, and dismissed the application; that the attorney for the deponent then applied for costs, but the Justices refused to order the guardians to pay the costs.

Erle shewed cause.—This application for costs rests upon the proviso to sec. 78. of the 4 & 5 Will. 4. c. 76, which provides

"that if, upon the hearing of such application, the Court shall not think fit to make any order thereon, it shall order and direct that the full costs and charges incurred by the person so intended to be charged in resisting such application shall be paid by the overseers or guardians." Here the "hearing of the application" was prevented by the very person making this application. At the petty sessions, he objected that the case could not be heard, as there was no proof that he had had a proper notice; and now he contends that the case has been heard, and that he is entitled to his costs. *The Queen v. the Recorder of Exeter* (1) was relied upon in moving for the rule, but there a notice, in fact, was put in and proved, and so the Justices had possession of the case, but the application was not made by the proper parties. The applicant should not have taken this objection, but have allowed the case to proceed to a hearing, and had it dismissed upon the merits.

Gunning, contra.—It is not contended that if there has been a hearing, and no order has been made, the statute is not imperative in requiring costs to be given to the person intended to be charged. Here there has been a hearing; for the case was called on, and the notice of application by the guardians put in. In *The Queen v. Stamper* (2) it was decided that an entry of such a case with the clerk of the peace was an application, and the calling on of the case and attendance of the party to be charged, a sufficient hearing to give costs. That was decided upon this same section. The taking of a preliminary objection cannot disentitle a party to his costs. In *The Queen v. the Recorder of Exeter* the application for the order was made by the churchwardens and overseers, instead of by certain persons incorporated for the management of the poor, and the case was not heard, as a proper notice had not been given, but the churchwardens and overseers were ordered to pay the costs. So here was no proper notice, and the case was therefore not fully heard. The observation of Lord Denman, C.J., in that case, namely, "that parties improperly bring a man before the Justices, upon an application

which fails," is strictly applicable here. He also cited *The Queen v. Cottingham* (3).

LORD DENMAN, C.J.—I am of opinion that this party is not entitled to succeed in this application for costs, which are only to be granted upon a hearing of the application. That hearing the applicant himself prevented. I ground my decision upon the words of the proviso referred to.

PATTESON, J.—I am of the same opinion. The statute enacts that no application shall be heard unless fourteen days' notice shall have been given, by the overseers or guardians, to the person intended to be charged. Here the party himself applying for the costs succeeds in convincing the Justices at petty sessions that they cannot hear, because there is no sufficient notice proved. Now he says the case has been heard. The two cases relied upon do not oblige us to accede to this application. In *The Queen v. Stamper* no question at all was raised about notice, and in the case against the Recorder of Exeter it was not objected that there was not sufficient notice to bring the case before the Court, but that the wrong parties had given it.

WILLIAMS, J.—I am of opinion that in this case we ought to further the view of the Sessions, unless we are tied down by authorities to the contrary. The cases do not furnish such authority. Costs are to be given upon "the hearing." The language of the statute does not oblige us to say that a party who has successfully insisted at Sessions that the case cannot be heard, can come here, and procure costs which are contingent upon a hearing.

WIGHTMAN, J.—Looking at the act of parliament and the conduct of the party together, I am of opinion that we are not obliged to accede to this application. The objection at the Sessions was, that the case could not be heard for want of notice. That is the real objection, as, the notice not having been proved, it is the same as if there had been no notice at all. But now the same party insists that the case has been heard.

Rule discharged.

(1) 3 Gale & Dav. 167; s.c. *ante*, 7.
(2) 1 Q.B. Rep. 119; s.c. 10 Law J. Rep. (N.S.) M.C. 73.

(3) 2 Ad. & El. 250; s.c. 4 Law J. Rep. (N.S.) M.C. 6.

BAIL COURT. }
 1844. } THE QUEEN v. RICHARD AN-
 May 7. } DREWS.

Criminal Law—Bail—Prisoner.

Where a true bill for murder had been found against a prisoner, by the grand jury, but the trial was postponed in consequence of the absence of material witnesses for the prosecution, the Court refused to entertain an application to admit him to bail.

Semble—The Court will in no case admit to bail where a true bill for a capital offence has been found against the prisoner by the grand jury.

The prisoner having been committed to Warwick gaol upon the coroner's warrant, for the wilful murder of his child, founded upon the inquisition held by him, a true bill for the same charge was found against him by the grand jury, at the last assizes. In consequence of the absence of two witnesses, the trial, at the instance of the Crown, was postponed till the next assizes; and an application was thereupon made to Gurney, B., the Judge of Assize, to bail the prisoner, but this was refused.

Miller now moved for a rule *nisi*, to admit the prisoner to bail, and cited *The Queen v. Chapman* (1), and *The Queen v. Gutteridge* (2), as overruled by *The Queen v. Scaife* (3), which was a case of felony. He also contended, upon affidavits, that the circumstances of suspicion were so slight, as to entitle him to sustain this application.

Cur. adv. vult.

WIGHTMAN, J.—No instance of an application precisely similar to the present in its circumstances was brought before me, when this motion was made; but Mr. Miller relied upon the practice of this Court of admitting to bail, after the coroner's inquisition, as an authority in his favour. He also quoted the case of *The Queen v. Scaife*; but that is distinguishable, inasmuch as the charge there made against the prisoners was for having coining moulds in their

possession, which was not, like the present, a capital offence. With respect to the practice of bailing, where a party is committed upon the coroner's inquisition, I think that stands upon a very different footing from the present case. The Court there can have before it the depositions on which the charge is founded, and, consequently, can see what are the grounds upon which the conclusion of the jury has been come to, and form a judgment as to its correctness. But where a true bill has been found by a grand jury, that cannot be done, for we cannot discover upon what evidence they acted. This distinction is pointed out in *Lord Mohun's case* (4), which is a direct authority against the present application. It is there said, "If a man be found guilty of murder by the coroner's inquest, we sometimes bail him, because the coroner proceeds upon depositions taken in writing, which we may look into. Otherwise, if a man be found guilty of murder by a grand jury, because the Court cannot take notice of their evidence, which they are bound by their oath to conceal." That, however, is not the only case; but I find that the decisions are uniformly adverse to this application; for in *Bacon's Abridgment*, tit. 'Bail in Criminal Cases,' there is another authority in these words:—"Nor will they bail after a bill for murder found, though the fact were plainly manslaughter"—*Case of Kirk, and Case for the murder of Seymour Conway* (5). In addition to those, there are two later cases which were cited, the one before Lord Abinger, C.B., and the other before my Brother Patteson, in both of which the application to admit to bail was refused, on the ground that a true bill had been presented by the grand jury. These authorities appear to me conclusive; but I may add, that in this very case a similar application was made to Gurney, B., who refused to grant it. Under these circumstances, in the absence of any authority to support it, the motion must be refused.

Rule refused.

(4) 1 Salk. 104.

(5) Mich. 12 Will. 3.

(1) 8 Car. & Pay. 558.

(2) 9 Ibid. 228.

(3) 10 Law J. Rep. (N.S.) M.C. 144.

1844. { THE QUEEN v. THE JUSTICES
June 6. { OF MERIONETHSHIRE. (LLANGAR v. DYNCIO.)

Order of Supersedeas—Costs—Entry of Appeal.

Upon receipt of notice and grounds of appeal, the respondents obtained an order of supersedeas, which they served upon the appellants, and afterwards tendered two guineas for costs, which the appellants refused to accept. The appellants went to the Sessions, and applied to enter their appeal, in order to get their costs, but the Court refused to allow the entry.

A rule nisi having been obtained for a mandamus to the Justices to enter the appeal, the affidavits in opposition stated a standing order of the Court of Quarter Sessions, by which it was ordered, that the sum of 30s. only, as and for costs and expenses, shall be allowed in appeals against orders of removal, tried in the said court, to either party.

Held, that the appellants were entitled to have had their appeal entered, and that the real amount of costs should be considered, notwithstanding the above order.

Welsby had obtained a rule, calling upon the Justices of Merionethshire to shew cause why a writ of mandamus should not issue, commanding them to enter continuances, and hear an appeal against an order for the removal of William Williams, his wife, and their child, from the parish of Llangar to the parish of Dyncio. It appeared, from the affidavits upon which the rule was moved, that the order was dated the 10th of January 1844, of which notice, with notice of chargeability, &c., was given to Dyncio upon the same day; that notice of appeal was given on the 30th of January, and grounds of appeal served on the 19th of March; that on the 28th of March an order of *supersedeas* was served by the overseers of Llangar, but no tender or offer of costs was then made; that a fresh order of removal was obtained on the 1st of April, and served upon the 9th of April on the overseers of Dyncio, when the overseers of Llangar tendered two guineas as the costs incurred, by the appellants, respecting the appeal against the first order, which sum was not accepted, the overseers of Dyncio

stating, that the costs amounted to a much larger sum, and that, if that was not paid the overseers would prosecute the appeal against the first order; that the Sessions were held on the 12th of April, when application was made to enter and prosecute an appeal against the first order, but the Justices refused to allow the appeal to be entered, or to allow the churchwardens and overseers of Dyncio their costs and expenses necessarily and unavoidably incurred; that the costs and expenses amounted to 26*l.* 3*s.* 4*d.*

The affidavits, in answer, set out all the examinations and orders (which are not material), and also the following statement, contained in an affidavit made by the attorney for the respondent parish, viz. that there is and has been, for a great many years last past, a standing rule or order on the books of the Quarter Sessions of the Peace for the said county of Merioneth, whereby it is ordered, that the sum of 30*s.* only, as and for costs and expenses, shall be allowed in appeals against orders of removal *tried* in the said court to either party, and that it is the general practice of the Court to act upon such rule.

Jervis and W. Yardley shewed cause.—The Justices were right in refusing to allow the appeal to be entered, as previous to the Sessions an offer of two guineas was made to the appellants for their costs. That was 12*s.* more than they would have got by the rule of the Sessions, if the appeal had been entered and tried, and the order quashed. As, therefore, the Court will not interfere with the rule of Sessions, the writ will not be ordered to go, as if it be obeyed, and the appeal directed in favour of the appellants, 30*s.* will, at the most, be awarded to them for costs. The Justices may exercise a discretion as to the entry of the appeal—*The King v. the Justices of Norfolk* (1).

Welsby, *contra*.—The appellants are entitled of right to enter their appeal, in order to secure reasonable costs—*The Queen v. the Inhabitants of Townstall*, and *The Queen v. the Inhabitants of Stayley* (2). Then the alleged rule of Sessions is no answer to this application. It is confined also to appeals *tried*. Such rule, if it could be held to be

(1) 5 B. & Ald. 484.

(2) 2 Gale & Dav. 676; a.c. 12 Law J. Rep. (n.s.) M.C. 72.

a reasonable one, cannot be applied to a case like this, where there is no mode, but by entry of the appeal, to secure costs. There is nothing to shew that two guineas, the sum offered, was a reasonable sum; nor was that, or any sum, offered, till the 9th of April, three days before the Sessions.

LORD DENMAN, C.J.—I am of opinion, that the Sessions were not acting legally in refusing to allow this appeal to be entered. They were bound, under the circumstances, to have allowed the entry, and should exercise a discretion as to the amount of costs to be given.

PATTESON, J.—I cannot see, in accordance with the cases to which we have been referred, how the Sessions were justified in refusing to enter this appeal, even if it should appear, upon investigation, that the appellants would be no gainers by this course.

COLERIDGE, J.—I am of opinion, that the Justices were wrong in refusing to allow the entry of this appeal. We are not warranted in supposing that they would adhere to the alleged rule of Sessions; but I should rather apprehend that they will reconsider their practice, and ascertain the real amount of the costs.

WIGHTMAN, J. concurred.

Rule absolute.

1844. { **THE QUEEN v. OXLEY AND AN-**
June 11. { **OTHER, JUSTICES OF THE**
 { **NORTH RIDING OF YORKSHIRE.**

Bastard—Election to go to Quarter Sessions, Exercise of—Order to reimburse—Sufficiency.

Under the act 2 & 3 Vict. c. 84, enabling Justices of the Peace in petty sessions to make orders for the support of bastard children, it is too late for the person charged with being the putative father, to declare to the Justices in petty sessions, under section 3, that he is desirous that the charge should be heard and determined at the Quarter Sessions, after some witnesses have been examined, and the case has been partly heard, by the consent and in the presence of the person charged.

An order in bastardy, made in petty sessions, to reimburse, and for future maintenance, was dated the 2nd of February 1844.

It recited the hearing of the application of the churchwardens and overseers of the township of Ripon, and that it appeared that a male bastard child had been born of the body of &c., at &c., on the 27th day of February last past; and that it appeared upon the evidence, &c., that J. B., of &c., was the father, and ordered, that J. B. "should forthwith pay or cause to be paid to the said churchwardens and overseers of the poor of the said township of Ripon, the sum of 9s. 4d., to reimburse the said township the actual expense incurred in the maintenance and support of the said bastard child, from the time of its birth, as aforesaid, to the time of making this our order:"—Held, that the order to pay the 9s. 4d. was bad, as it was made for a time exceeding six calendar months next preceding the hearing of the application, contrary to section 73. of the Poor Law Act.

Affidavits were tendered to shew that the order for payment was bad, as there were no churchwardens for the township of Ripon. Whether the affidavits could be received, as they did not go to oust the Magistrates of jurisdiction—quære. But, held—per Patteson, J., and Williams, J., (Lord Denman, C.J. dubitante,) that the order was sufficient, even though there were no churchwardens for the township.

This was a rule calling upon Charles Oxley and Robert Paley, Esquires, Justices for the liberty of Ripon, in the county of York, to shew cause why a writ of *certiorari* should not issue, directed to them, &c., to remove into this court the following order in bastardy, made by them in petty sessions:—"Liberty of Ripon, in the county of York. At a petty sessions holden at &c., on the 2nd day of February, in the seventh year, &c., and A.D. 1844. Whereas, upon the hearing of the application of the churchwardens and overseers of the township of Ripon, in the said liberty (seven days' notice of which application having been duly proved before us to have been given by the said churchwardens and overseers of the poor to John Brown, hereinafter named), it appears to us, the undersigned Justices of the Peace, assembled at the said petty sessions, that a male bastard child was lately (that is to say), on the 27th day of February now last past, born in the township of

Markington with Wallerthwaite, in the said liberty, of the body of Mary Denison, single woman; and that the said child has, by reason of the inability of the mother of the said child to provide for the maintenance of the same child, become chargeable to the said township of Ripon, in the said liberty; and whereas, it further appears to us, the said Justices assembled in petty sessions aforesaid, upon the hearing of such application, and the evidence of the mother of the said bastard child (such evidence being corroborated in a material particular by other testimony to the satisfaction of us, the said Justices, as required by law), that John Brown, of Hill House, in the said township of Markington with Wallerthwaite, labourer, is really and in truth the father of the said bastard child; it is therefore adjudged by us, the said Justices, that the said John Brown is the father of the said bastard child, and we do hereby order that the said John Brown shall forthwith pay or cause to be paid to the said churchwardens and overseers of the poor of the said township of Ripon, the sum of 9s. 4d., to reimburse the said township the actual expense incurred in the maintenance and support of the said bastard child from the time of its birth as aforesaid, to the time of making this our order." It then directed a weekly payment of 1s. 6d., so long as the child should be chargeable to the township of Ripon, and until it attained the age of seven years, to be paid by Brown to the churchwardens and overseers of the township of Ripon, for the maintenance and support of the child." Signed by the Justices.

The objections stated upon the affidavits for the rule were—first, that the Justices had no jurisdiction to make it, because, that after the examination of the mother of the child at the petty sessions, and after the examination of another witness also in support of the said application, but before all the witnesses on behalf of the application had been called, and before the Justices had proceeded to pronounce their decision upon the case, the attorney for Brown, who, with his attorney, had been personally present from the beginning (the attorney having cross-examined the witnesses called), declared to the Justices, that Brown was desirous that the charge should be heard and determined at the next ensuing Quarter

Sessions of the liberty of Ripon, and stated his readiness to enter into a recognizance with two sufficient sureties, according to the statute 2 & 3 Vict. c. 85. s. 3, conditioned to appear and try at the next Quarter Sessions, &c.; but the Justices determined that the application was too late, and that the hearing of the charge should be proceeded with, and made the order. Secondly, that the adjudication of 9s. 4d. "to reimburse the township the actual expense incurred in the maintenance of the child, *from the time of its birth to the time of making the order*," was void, as it appeared upon the face of the order that the child was nearly twelve months old, whereas, by the statute 4 & 5 Will. 4. c. 76. s. 73. (the Poor Law Act), the costs could only be calculated from the day of the commencement of *six calendar months next preceding the hearing of such application*. Thirdly, that the order to pay to the churchwardens and overseers of the township of Ripon was bad, as the affidavits stated that there were no churchwardens of the township of Ripon, although there were churchwardens of the parish of Ripon, which comprised several townships, of which the township of Ripon was one.

Baines and Pickering now shewed cause. —The first objection depends upon the meaning of sect. 3. of 2 & 3 Vict. c. 85. That statute was passed to enable Justices of the Peace, in petty sessions, to make orders for the support of bastard children. The power to make such orders had previously rested with the Quarter Sessions only, under secs. 72. and 73. of the Poor Law Act, but by the late Act all original powers, which before could only be exercised at a Court of Quarter Sessions, were vested in petty or special sessions. Under sec. 3. (2) of the act of Victoria the case may still go to

(2) Sect. 3. "Provided always, and be it enacted, that if the person whom the guardians or overseers shall charge with being the putative father of such child, shall declare to the Justices, in such special or petty sessions, that he is desirous that the charge shall be heard and determined, at the Quarter Sessions of the Peace, and shall then and there enter into a recognizance with two sufficient sureties conditioned personally to appear at the Quarter Sessions of the Peace, the next or next but one ensuing, as the Justices shall think fit, to answer to the said charge, and to abide the judgment of the Court at such Sessions, and to pay all the costs incurred by the said guardians and overseers in bringing such charge before the said Court, in case

the Quarter Sessions, at the option of the party charged, upon certain conditions; but it is submitted, that that option must be exercised before the petty sessions have begun to hear the case. It was never intended that there should be two hearings of the case, or that there should be any appeal from the petty to the Quarter Sessions. Here, then, the application to have the case heard at the Quarter Sessions was too late, as the case had been fully entered upon, and was in the course of hearing. It was intended to give the choice of two tribunals, but not the chance of both. The Court of Petty Sessions clearly had jurisdiction to proceed and make the order, as it is not contended that their jurisdiction was stopped before the inquiry commenced. The argument on the other side rests solely on the words, "that the Justices in special or petty sessions shall not proceed *further* to hear the charge;" but the meaning is, that the election shall be made before the inquiry commences, and that if the Quarter Sessions is chosen as the tribunal, the petty sessions shall not proceed to hear. Supposing the view of the other side to be correct then the Quarter Sessions must take up the case at that precise point where the petty sessions leave off. Secondly, if it clearly appears on the face of the order that the sum of 9s. 4d. extends over a period beyond six months next preceding the hearing of the application, the order will be bad *pro tanto*. But it is not clear that it is so. The order states that a male bastard child was born "lately, *that is to say*, on the 27th day of February last." The time is laid under a *videlicet*, and the words "that is to say, on the 27th day of February last" need not be there, and may be rejected as surplusage—*The King v. Gill* (3), *The King v. Picton* (4). If the word "lately" leaves the matter ambiguous, all fair intendment will be made to support the order—*The King v. Stockton* (5).

the Court shall adjudge him to be the putative father of such child, then the Justices, in special or petty sessions, shall not proceed further to hear the charge, but shall take such recognizance, and transmit it to the clerk of the peace, and in such case all further proceedings in the matter of such charge shall be had before the said Court of Quarter Sessions as if this Act had not been made."

(3) Russ. & Ry. C.C. 431.

(4) 2 East, 195.

(5) 5 B. & Ad. 546; s. c. 3 Law J. Rep. (N.S.) M.C. 48.

Thirdly, if affidavits are admissible to shew that there are no churchwardens of the township of Ripon, an addition of improper persons, to whom the payment is to be made, will not vitiate the order—*The Queen v. Goodall* (6).

Martin, contra.—Upon the first point, the words of section 3, which provides that the Justices, under certain circumstances, "shall not proceed *further* to hear," clearly shew that a part of the proceedings may have been taken, before there shall have been any declaration of a desire to go to the Quarter Sessions. The hearing, at petty sessions, is subject to an appeal.

[PATTESON, J.—The act contains not a word about an appeal.]

Secondly, the order is bad as to the 9s. 4d.

[LORD DENMAN, C.J.—We agree with you upon that point.]

Thirdly, payment is ordered to the "Churchwardens and overseers of the township of Ripon;" and the affidavit shews that the township has no churchwardens. The order is, to pay to persons who do not exist. It is like an action commenced by non-existing persons.

[PATTESON, J.—We are considering the sufficiency of the order upon the face of it. Have you a right to shew, by affidavit, that there are no churchwardens?]

The Queen v. Goodall was different.

LORD DENMAN, C.J.—I am of opinion that there is nothing in the first objection. Certain proceedings are to be taken by summons of the party, previous to hearing the application; and the obvious meaning of the 3rd section is, that when the party has been brought to the petty sessions, and has declared that he is desirous that the charge should be heard at the Quarter Sessions, the Justices in petty sessions shall not proceed further to hear, that is, shall not enter upon the inquiry of, the charge. That declaration of the party must be made previously to any hearing of the charge at the petty sessions. The person charged is not first to select the petty sessions as the tribunal, and then, when the matter is going against him, say, that he will go to the Quarter Sessions. Upon the second point, as to the 9s. 4d., the order is bad, as, giving

(6) 2 Dowl. P.C. (N.S.) 382.

a sensible interpretation to the language of it, the payment is in respect of the period, "from the time of its birth," which the order shews to be more than six calendar months next preceding the hearing. Upon the third point, I entertain some doubt as to the sufficiency of the order to pay; but that is not of consequence, as no doubt as to its sufficiency is entertained by my learned Brothers.

PATTESON, J.—I feel no doubt as to the construction of the act upon the first point. The party charged is only to go to one tribunal. The 72nd section of the Poor Law Act gave the jurisdiction to Justices in Quarter Sessions. That was thought inconvenient, and, therefore, by the subsequent act, it is compulsory that the application shall be made to the petty sessions; but the party charged is allowed to elect either tribunal. If, however, he selects the petty sessions, and the case is proceeded with, he cannot change afterwards, because the case may be going against him. If the legislature had intended to give an appeal to the Quarter Sessions, it would have been very easy to have said so. The charge may be heard at the quarter or petty sessions, but not at both. The words of the section mean, that, upon objection, before any hearing, the petty sessions are not to hear at all. I agree with my Lord as to the order to pay 9s. 4d. Upon the last point, I cannot see that the introduction of the name of the churchwardens does any harm. If there are any for the township, the order is right, as by the Poor Law Act the overseers of the parish are to be reimbursed, and the churchwardens are overseers by law. If there are none for the township, and there are some for the parish, then a payment to them would be contrary to the order. If there are none for the parish or township I do not think the order would be bad, because some of the persons, to whom payment is to be made, are not existing; according to the maxim, *utile per inutile non vitiatur*.

WILLIAMS, J.—I am of opinion that the case is entirely free from doubt upon the first point. The absence of all words as to any appeal, is alone conclusive that it was not intended that the proceeding at Quarter Sessions should be in the way of appeal. Where such is the intention, words giving

an appeal are used; as in the statutes relating to orders of removal, and to poor-rates. The obvious meaning of the section is to give a choice of tribunal to the party charged. He must make his election at the time when he comes. If at that time he prefers the Quarter Sessions, the petty sessions "shall not proceed further to hear the charge." I also quite agree that the order is bad as to the 9s. 4d. Upon the other point some doubt has been felt by my Lord; but I concur with my Brother Patteson, in thinking the order sufficient. I much doubt if we are at liberty to look into affidavits upon this point, as they are not for the purpose of shewing want of jurisdiction. The Justices clearly had jurisdiction over the subject-matter. Is then the order necessarily bad for applying the term "churchwardens" to a township? It is not so, as it is not unusual to have churchwardens for a township. If there are some, the payment is to them, and the order right: if not, this is merely a *nomen inutile*.

Rule absolute, to bring up the order to be quashed, so far as regards the sum of 9s. 4d.

1844. } THE QUEEN v. KING AND
May 7. } OTHERS.

Conspiracy—Indictment, Sufficiency of.

An indictment charged that defendants did unlawfully combine, conspire, confederate, and agree together, to cheat and defraud certain liege subjects of our Lady the Queen, being tradesmen (not naming them), of divers large quantities of their goods and chattels. It then set out several overt acts, namely, the purchase, by one of the defendants, of goods of several tradesmen (naming them) upon credit, and of other tradesmen, whose names were unknown, with direction, that the goods should be delivered at the house of that defendant; that no payment was ever made for them; the pretence that certain debts were due from that defendant to the others (setting out the debts); that actions, on account of these fictitious debts, were commenced against such defendant by the others, and judgments signed for want of a plea, and writs of fi. fa. sued out upon the judgments, by virtue of which, the goods and

chattels so fraudulently obtained were taken in execution; concluding with an averment, that so the defendants did cheat and defraud the tradesmen who supplied the goods, &c.

All the overt acts were alleged to have been done in pursuance of the conspiracy:—Semble, in arrest of judgment, that the count would have been good without the allegation of the overt acts; and that it was not material that the names of the tradesmen (in the early part of it) to be defrauded, should be stated.

Held, also, that, if necessary, the overt acts might be looked to, in aid of the charging part of the indictment.

The defendants were indicted at the Central Criminal Court for conspiracy. The first count of the indictment stated, that William Henry King, Emily Ann Birch, Anna Dorcas Phillips, and Augusta Ann Birch, late of, &c., in the fifth year, &c., did unlawfully combine, conspire, confederate, and agree together, to cheat and defraud certain liege subjects of our Lady the Queen, being tradesmen, of divers large quantities of their goods and chattels. And the jurors aforesaid, upon their oath aforesaid, further present, that the said E. A. B. afterwards, to wit, on the day and year aforesaid, at the parish aforesaid, in the county aforesaid, and within the jurisdiction aforesaid, did, in pursuance of the said conspiracy, fraudulently order, and obtain upon credit, from W. A. W. & C. W, upholsterers, in the city of London, divers goods and chattels of great value, to wit, of the value of 500*l.*, belonging to the said W. A. W. & C. W; from F. B. & W. J, silversmiths, of Westminster, divers goods and chattels of great value, to wit, of the value of 500*l.*, of and belonging to the said F. B. & W. J.; from J. W. & C. W, wine-merchants, of London aforesaid, divers goods and chattels of great value, to wit, of the value of 500*l.*, of and belonging to the said J. W. & C. W.; from C. T. & E. E, silversmiths, of Westminster aforesaid, divers goods and chattels of great value, to wit, of the value of 500*l.*, belonging to the said C. T. & E. E; and from divers other tradesmen, the liege subjects of our Lady the Queen, whose names are to the jurors unknown, divers other goods and chattels, of great value, to wit, of the value of 2,000*l.*, of and belonging to the said last-mentioned subjects of our said Lady the

Queen respectively. And the jurors aforesaid, upon their oath aforesaid, further present, that the said E. A. B. then and there, and within the jurisdiction aforesaid, did, in further pursuance of the said conspiracy, and in order that the said goods and chattels might be taken in execution, and sold, as hereinafter mentioned, order and direct that the said goods and chattels so fraudulently obtained on credit as aforesaid, should be delivered by the said several tradesmen respectively, at the house of the said E. A. B, in Bedford Place, Russell Square, in the county of Middlesex aforesaid, and that the goods and chattels were so delivered at the said house, in accordance with the said order and direction; and that no payment, remuneration, or satisfaction for the said goods and chattels, was at the time of such delivery, or at any other time, made, by or on behalf of the said E. A. B, W. H. K, A. D. P, and A. A. B, or by or on behalf of any or either of them, to the said several tradesmen hereinbefore mentioned, or whose names as aforesaid are to the jurors unknown, or to any or either of them, or to any other person or persons authorized by them, or any or either of them, to receive the same; and the jurors aforesaid, upon their oath aforesaid, further present, that in further pursuance of the said conspiracy, and in order that the said goods and chattels might be taken in execution and sold as hereinafter mentioned, the said E. A. B. did then and there, and within the jurisdiction aforesaid, allow and procure the said goods and chattels so delivered as aforesaid, to continue and be in her said house, until they were taken in execution, as thereafter mentioned; and the jurors aforesaid, upon their oath aforesaid, further present, that affidavits, to wit, on the day and year aforesaid, at the parish aforesaid, in the county aforesaid, and within the jurisdiction aforesaid, the said E. A. B, W. H. K, and A. D. P, in further pursuance of the said conspiracy, did falsely and fraudulently pretend, that certain debts were due and owing from the said E. A. B. to the said W. H. K, and A. D. P. respectively, to wit, a fictitious debt of 2,145*l.* 11*s.* 6*d.* pretended to be due and owing from the said E. A. B. to the said W. H. K, and a fictitious debt of 514*l.* 16*s.*, pretended to be due and owing from the

said E. A. B. to the said A. D. P.; and that then and there, &c., within the jurisdiction aforesaid, the said W. H. K. and A. D. P. did, in further pursuance of the said conspiracy, and in order to obtain payment of such false and fictitious debts, commence and cause to be commenced respectively, by collusion with the said E. A. B. separate actions at law against the said E. A. B. in Her Majesty's Court of Queen's Bench at Westminster, and in Her Majesty's Court of Common Pleas at Westminster; and that afterwards, to wit, on the 28th day of February 1842, in further pursuance of the said conspiracy, to wit, in the parish aforesaid, in the county aforesaid, and within the jurisdiction aforesaid, judgments were collusively signed, and caused to be signed by the said W. H. K. and A. D. P. respectively, in each of the said actions for want of a plea; and that afterwards, to wit, on the 1st of March in the year last aforesaid, in further pursuance of the conspiracy, to wit, in the parish and county aforesaid, and within the jurisdiction aforesaid, certain writs of *fi. fa.* were collusively sued out, and caused to be sued out by the said W. H. K. and A. D. P. upon the respective judgments so obtained by collusion as aforesaid, by virtue of which writs, the said goods and chattels so fraudulently obtained as aforesaid, from the said several tradesmen before mentioned, and the said several tradesmen whose names as aforesaid are to the jurors unknown, were within the parish and county aforesaid, and within the jurisdiction aforesaid, on the day and year last aforesaid, and before the expiration of the said respective times of credit, taken in execution, and sold in due course of law, in order to satisfy the fictitious debts, falsely and fraudulently alleged to be due and owing from the said E. A. B. to the said W. H. K. and A. D. P. respectively; and so the jurors aforesaid, upon their oath aforesaid, find that the said W. H. K., E. A. B. and A. D. P. in the parish aforesaid, in the county aforesaid, and in the jurisdiction aforesaid, in manner and by the means aforesaid, unlawfully did cheat and defraud the said W. A. W. and C. W., the said F. B. and W. T., the said J. W. and C. W., the said C. T. and E. E., and the said other tradesmen, liege subjects of our Lady the Queen, who supplied the said goods and chattels as aforesaid,

but whose names are to the jurors unknown respectively, of the said goods and chattels, to the great damage of the said several persons so supplying the said goods as aforesaid, to the evil example of all others in like case offending, and against the peace of our Lady the Queen, her crown and dignity.

The indictment having been removed into this court, was tried before Williams, J., in Middlesex, at the sittings after Hilary term, 1844, when the defendants William Henry King and Emily Ann Birch were convicted upon the above count, and the learned Judge then pronounced judgment upon them. One other of the defendants was tried and acquitted. In Easter term, rules were obtained on behalf of the defendants convicted who had defended separately, calling upon the prosecutors to shew cause why the judgment pronounced upon the defendants should not be amended by arresting the judgment in the prosecution. The ground of the motion was, that the count in the indictment was bad.

Humfrey and Montagu Chambers now shewed cause.—The indictment is sufficient, as it clearly shews in the early part of it a conspiracy to do illegal acts; and where the act is in itself illegal, it is not necessary to state the means by which the conspiracy was effected. But if that does not clearly appear in the early part, then the allegation of conspiracy is followed up by a statement of the overt acts, which may be taken in aid to shew a complete offence—*The King v. Spragg* (1). Lord Mansfield there says, "Here is much more than a bare conspiracy without effect; here is an overt act laid, as I may call it; and it is found that the defendants, according to the conspiracy, &c. actually did indict this man—so that this was a complete formed conspiracy, actually carried into execution." All the statements of overt acts in the indictment are alleged to have been done in pursuance of the conspiracy, and that has been found by the jury. The acts to complete the conspiracy may be acts legal *per se*, or they may be illegal; but their character is derived from their being done in pursuance of the conspiracy. *The King v. Gill* (2) is an

(1) 2 Burr. 993.

(2) 2 B. & Ald. 204.

authority in favour of this indictment. They also referred to *The Queen v. Parker* (3), *The King v. Seward* (4), *The King v. Biers* (5).

Kelly, Godson, Flood, and Pashley, contra.—It cannot be contended that the indictment would have been sufficient if it had concluded in the early part of it, and merely stated, that the defendants conspired, &c. "to cheat and defraud certain liege subjects of our Lady the Queen, being tradesmen, of divers large quantities of their goods and chattels." There is no mention of the persons to be defrauded, nor, consequently, of those to whom the goods belonged—*The Queen v. Parker*. The name should be given, or it should appear that the names are unknown (6)—*The Queen v. Biss* (7). Nor is this cured by the statement which follows of overt acts, as it is not alleged that the persons subsequently named, and from whom goods were obtained, are the same persons as those previously spoken of.

[PATTERSON, J.—Why need the persons be named?]

[LORD DENMAN, C.J.—It was held in *The Queen v. Peck* (8), that the omitting to mention the names of the creditors intended to be defrauded was immaterial.]

Then they must be connected by the overt acts; those acts were harmless; they shew a purchase of goods upon an unexpired credit. There is no allegation that they were purchased with an intention never to pay for them, or that the purchaser knew she could not pay for them. It would have been no offence for the debtor, before the expiration of the credit, to dispose of the goods in any way she pleased.

[PATTERSON, J.—Perhaps not, in a *bond fide* transaction: but here all the overt acts are charged to have been done in pursuance of the conspiracy.]

It is consistent with the statements that the effect of all the acts would be that no

one would be cheated or defrauded. *The Queen v. Parker* shews that the principle of *The King v. Gill* will not be extended. Next the count is bad for duplicity, as it is a statement of two distinct offences, and contains an insufficient charge of conspiracy in the early part, and is bad as a count for obtaining goods under false pretences in the latter—*The King v. Perrott* (9). They also contended, that *The King v. De Berenger* (10) was distinguishable, as the conspiracy was there complete without the names of the persons injured; and also cited *The King v. Richardson* (11), *The King v. Fowle* (12), *The Queen v. Kenrick* (13).

LORD DENMAN, C.J.—In the case of *The King v. Gill*, the indictment was held to be good. Mr. Justice Holroyd there says, that it is "quite sufficient to state only the act of conspiring, and the object of the conspiracy, in the indictment." That is stated to be sufficient, as there may be conspiracies entered into to cheat all the world, or where there are many individuals, it may be impossible to name them. I am not prepared to say, in this case, that the first part of the count of this indictment would not be perfectly good if it stood alone; but if more is required than is there stated, then *The King v. Spragg* shews that the overt acts may be prayed in aid to explain the indictment, and here the overt acts shew that the parties intended to be cheated were, in fact, cheated. It has been objected, that the names of the tradesmen to be cheated are not given in the introductory part of the indictment: to which it may plainly be answered, that the individual parties were probably not in contemplation at that time. But it is said, that the overt acts limit, and cannot extend, the introductory words of the indictment. The overt acts may be in themselves innocent, and their object is to inform the defendant of the means he is charged with using to cheat and defraud, as, for instance, in this case, the information is shortly this, that Birch bought goods on credit, which fact may co-exist with inno-

(3) 3 Q.B. Rep. 292; a.c. 11 Law J. Rep. (N.S.) M.C. 102.

(4) 1 Ad. & El. 706; a.c. 3 Law J. Rep. (N.S.) M.C. 103.

(5) Ibid. 327; a.c. 8 Law J. Rep. (N.S.) M.C. 118.

(6) Hawk. Pl. Cr., book 2, ch. 25. Starkie's Cr. Pl. 154.

(7) 8 Car. & Pay. 773.

(8) 9 Ad. & El. 692; a.c. 8 Law J. Rep. (N.S.) M.C. 22.

(9) 2 Mau. & Selw. 379.

(10) 3 Ibid. 67.

(11) 1 Moo. & Rob. 402.

(12) 4 Car. & Pay. 592.

(13) 12 Law J. Rep. (N.S.) M.C. 135.

cence; but the overt acts shew that the parties did those acts in pursuance of the conspiracy, charged in the introductory part of the indictment. Then, the last paragraph of the indictment is no distinct charge of obtaining goods under false pretences, but an unnecessary way of summing up the facts set out as overt acts in the former part of the indictment.

PATTESON, J.—I understand the position laid down by Mr. Starkie, and the cases cited in support of it. They were all upon some one act to cheat and defraud one particular person; but when the conspiracy is general, and all mankind are intended to be defrauded, it is impossible to state names; and it was so distinctly held in *The King v. De Berenger*. There no names were mentioned, nor was it possible they could be; so here, under the circumstances detailed, the overt acts allege, that one conspirator did obtain goods on credit from A. B, C. D. &c., and divers other persons to the jurors unknown, and it is impossible the indictment could state more. I have no doubt that the indictment would have been good, if it had stopped at the charging part of it, without mentioning any names, and, as in *The King v. Gill*, without alleging any overt acts; indeed, on the motion for the rule, it was rather put that the indictment was inconsistent, than that it was insufficient. Mr. Pashley, in moving for the rule, stated, that the overt acts charged false pretences without negating them; now, looking at the indictment, there are no grounds for that statement. There are no false pretences, in the ordinary sense, alleged; that is, no false pretences, as used to the persons from whom the goods were obtained. The mode in which the goods were obtained (as alleged in the indictment), was, that they were purchased on credit by one of the defendants, and then delivered at her house, in order that they might be taken in execution and sold, under a pretence of a lawful debt due to the other defendants. Not a shilling was ever paid for them; and if that is not an allegation of overt acts to constitute cheating and defrauding, it is impossible to say what is to be considered sufficient. The fallacy throughout the argument has been, that the counsel for the defendants have argued upon one or two of the overt acts, without taking the whole together.

WILLIAMS, J.—I am of the same opinion. I quite agree that the fallacy has been in overlooking the fact, that the gist of the offence is the conspiracy. The argument comes to this, whether there is a good count without the overt acts. I agree with my Lord Denman, and the same has been stated by my Brother Patteson, that this is a good count. The objection in *The Queen v. Parker* does not exist here. In this indictment the property in the goods is stated. But supposing the overt acts are brought into consideration, there is nothing in them not directly consistent with the charge in the former part of the indictment. It is said, that each and every overt act must be *per se* criminal, but I by no means admit the propriety of that proposition. They are merely a statement to shew the nature and quality of the evidence, by which the charge of conspiracy is to be sustained. Here, the obtaining of the goods upon credit, the ordering them to be sent to the house of one of the defendants, the fraudulent pretence of certain debts, the commencement of, and signing judgment in, an action, and the *fi. fa.* upon that judgment, are all in direct conformity with the principal allegation of a conspiracy to cheat and defraud certain tradesmen. Then, it has been objected, that it is not sufficiently alleged in the indictment, that the goods were the several goods of the persons named; but there is no rule of law which requires that you should make nonsense of an indictment. It is not to be strained to make sense of it, but to be construed according to the ordinary rules of construction.

Rule discharged.

[IN THE COURT OF COMMON PLEAS.]

1844. } BURGESS v. BOETEFEUR AND
May 22, 24. } BROWN.*

Overseers, Liability of—25 Geo. 2. c. 36—*Disorderly House.*

An action, founded on the statute 25 Geo. 2. c. 36, by one of two inhabitants who had given information, &c. to the parish constable of A. R. keeping a disorderly house, in consequence of which A. R. was indicted

* Reported by H. S. Selfe, Esq.

and pleaded guilty to the charge, was held to be properly brought against two defendants, who, though not overseers at the time of the trial of A. R., were overseers at the time A. R. was brought up for judgment.

*Held also, that it was sufficient to shew a demand made upon, and a refusal made by the defendants to pay the plaintiff the reward of 10*l.* in order to entitle him to maintain the action against them for the double penalty given by the act, although there were also churchwardens, upon whom no demand had been made.*

Quære, Whether churchwardens are overseers within the stat. 25 Geo. 2. c. 36.

Debt, in the form prescribed by the stat. 25 Geo. 2. c. 36. s. 13, for three several penalties of 20*l.* each.

Plea—Nil debet.

The plaintiff was an inhabitant of the parish of Paddington, of which parish the defendants were overseers from Easter 1843 to Easter 1844; and the action was brought in consequence of the refusal of the defendants to pay three several sums of 10*l.* each, to the plaintiff, who, together with another inhabitant of the parish, had given information which led to the conviction of three persons keeping disorderly houses within the parish (1). At the trial, before

Coltman, J., at the Middlesex Sittings in last Hilary term, it appeared that the overseers of the parish, from Easter 1842, to Easter 1843, were two persons named Watson and Carbonell. In September 1842, the plaintiff and another inhabitant, paying scot and lot, gave notice in writing to Wallis, the constable of the parish, as required by stat. 25 Geo. 2. c. 36, and served the like notice on Watson and Carbonell, the overseers, as required by stat. 58 Geo. 3. c. 70. s. 7, that M. P., A. R., and S. M., severally kept disorderly houses within the parish. Watson and Carbonell declined prosecuting the parties, whereupon the plaintiff and the other inhabitant went before a Justice of the peace, with the constable, and made oath of the truth of the contents of such notices, and they and the constable entered into the recognizances respectively required by the statute. At the October Sessions 1842, M. P., A. R., and S. M., severally pleaded guilty to indictments for keeping a disorderly house. No judgment was then given, but continuances were entered on the roll, and in June 1843, the nuisances having been in the meantime abated, the parties were called up for judgment, and fined 1*s.* each. In March 1843, the plaintiff demanded the reward of 10*l.* from Watson and Carbonell, and, on their refusal, commenced an action against them, which was afterwards abandoned. In November 1843, the plaintiff served the defendants with a written notice, reciting the facts, and demanding the sum of 10*l.* in respect of each of the convictions above mentioned, and for the non-payment of those sums this action was brought. By an admission in the cause, the defendants admitted, "that the defendants, on the 4th of November 1843, were and still are the overseers of the poor of the said parish, duly appointed." At

(1) The statute 25 Geo. 2. c. 36. s. 5. enacts, "In order to encourage prosecutions against persons keeping bawdy-houses, gaming-houses, or other disorderly houses, that if any two inhabitants of any parish or place, paying scot and bearing lot therein, do give notice in writing to any constable (or other peace officer of the like nature where there is no constable) of such parish or place, of any person keeping a bawdy-house, gaming-house, or any other disorderly house, in such parish or place, the constable or such officer as aforesaid, so receiving such notice, shall forthwith go with such inhabitants to one of His Majesty's Justices of the Peace for the county, city, riding, division, or liberty in which such parish or place does lie, and shall, upon such inhabitants making oath before such Justice, that they do believe the contents of such notice to be true, and entering into a recognizance in the penal sum of 20*l.* each, to give or produce material evidence against such person for such offence, enter into a recognizance in the penal sum of 30*l.* to prosecute with effect such person for such offence, at the next general or quarter sessions of the peace, or at the next assizes to be holden for the county in which such parish or place doth lie, as to the said Justice shall deem meet; and such constable or other officer shall be allowed all the reasonable expenses of such prosecution, to be ascertained by any two Justices of the peace of the county, city,

riding, division, or liberty where the offence shall have been committed, and shall be paid the same by the overseers of the poor of such parish or place; and in case such person shall be convicted of such offence, the overseers of the poor of such parish or place shall forthwith pay the sum of 10*l.* to each of such inhabitants; and in case such overseers shall neglect or refuse to pay to such constable or other officer such expenses of the prosecution as aforesaid, or shall neglect or refuse to pay, upon demand, the said sums of 10*l.* and 10*l.*, such overseers, and each of them, shall forfeit to the person entitled to the same, double the sum so refused or neglected to be paid."

the close of the plaintiff's case it was objected, first, that the defendants were not liable, inasmuch as Watson and Carbonell were overseers at the time of the conviction of the offenders, and the demand for the 10*l.* should, therefore, have been made upon them; secondly, that the demand should have been made upon the churchwardens of the parish, as overseers *ex officio*, and not on the defendants only. The plaintiff's counsel contended, that the defendants were estopped by their written admission from disputing the fact that they were the overseers at the time the demand was made on them. The learned Judge received evidence proving that there were two churchwardens at the time the demand was made, and reserved leave to the defendants to move for a nonsuit on the two objections raised. The only point left to the jury was whether the prosecutions had been conducted by the constable, as required by the statute; or, as the defendants' counsel contended they had been, by the two inhabitants, of whom the plaintiff was one; in which latter case, on the authority of *Clarke v. Rice* (2), the action could not be maintained. Upon this point, it was proved that the constable had subpoenaed some of the witnesses for the prosecution, and had had his expenses allowed and paid. The jury found a verdict for the plaintiff for 60*l.*

Bompas, Serj., in the same term (January 22), obtained a rule *nisi* for a nonsuit, pursuant to the leave reserved, upon the objections raised at the trial, or for a new trial, on the ground that there was no sufficient evidence that the constable conducted the prosecution.

Byles, Serj. (*Corrie* with him) now shewed cause.—The defendants were the overseers at the time of the conviction of the offenders in this case, and therefore the proper persons on whom the demand for the 10*l.* reward was made. The term "conviction" may, in popular language, sometimes mean confession or verdict, but in this act of parliament it must mean judgment. The word has been so interpreted in analogous statutes—*Sutton v. Bishop* (3), *Lee v. Gansel* (4). A plea of *autrefois convict*, or *autrefois acquit*, would not be supported unless there

was proof of a judgment; and so in an indictment alleging an offence after a previous conviction, under 7 & 8 Geo. 4. c. 28. s. 11, the record of the conviction must contain the judgment of the Court—*The Queen v. Ackroyd* (5). It would be inconvenient to hold otherwise in this case. There might, after verdict of guilty, be a new trial granted, and an acquittal on such second trial. In such case, the verdict on the first trial could not be a conviction entitling the inhabitant to the reward of 10*l.* Again, the overseers, who are to pay the inhabitant the 10*l.*, are the same overseers who are to pay the constable his reasonable expenses, provided he fulfil the condition of his recognizance to prosecute the parties with effect, that is, to judgment. Neither the reward to the inhabitant, nor the expenses of the constable, can be claimed till after judgment. But even if the term "convicted," in the statute, refers to the verdict of the jury, or the confession, by plea of guilty, of the party prosecuted, the reward of 10*l.* is a charge upon the parish funds, which the overseers for the time being are bound to pay on demand. The parish has been the gainer by the prosecution set in motion by the plaintiff; the parish, therefore, are the persons to pay the reward. Would the plaintiff have lost all title to the reward, if the overseers had gone out of office the day after the parties had been convicted, and before the plaintiff had had a reasonable time to demand it of them? The statute says, "the overseers shall *forthwith* pay;" but the word "forthwith" must receive a reasonable construction—*Pybus v. Mitford* (6), *The King v. Francis* (7). Secondly, as to the non-joinder of the churchwardens in the demand made on the defendants as overseers. Even if the defendants are not estopped from raising this objection, by the admission made in the cause, that they were the overseers, that is, the overseers in the sense of the words in this statute upon which they are sued, churchwardens are not overseers within this statute. Though the 43 Eliz. enacts, that churchwardens shall be overseers *ex officio*, yet that very statute, in other sections, makes a distinction between churchwardens and overseers;

(2) 1 B. & Ald. 694.

(3) 1 W. Black. 665; s. c. 4 Burr. 2283.

(4) Cowp. 1.

(5) 1 Car. & Kir. 158.

(6) 2 Lev. 77.

(7) Cas. temp. Hard. 113.

and whenever, in other statutes (8), churchwardens are comprehended in the term "overseers," it has been necessary so to state in the interpretation clause. Public officers are not to be made liable to a penalty, without words expressly imposing the liability on them. It is no answer to an action against these defendants that others have not been applied to. Notice to one is notice to all—*The King v. the Justices of Norfolk* (9), *The King v. the Justices of Warwickshire* (10). Each of the overseers refusing is liable to the penalty, and might have been sued alone.

Channell, Serj. (*V. Lee* with him), *contra*.

—First, the conviction in this case took place when the parties indicted pleaded guilty. It may be conceded, that to prove a conviction, it may be necessary to produce a record of the judgment on that conviction. This was the effect of the decisions in *Sutton v. Bishop* and *Lee v. Gansell*. But this does not determine the question as to the meaning of the word itself.

[*CRESSWELL, J.*—A person convicted of perjury is disqualified thereby as a witness. Is it in such case the verdict or the judgment which disqualifies?]

The verdict produces the disqualification; the judgment is the proper legal evidence that that verdict is operative.

[*COLTMAN, J.*—If the right of the plaintiff to the reward attached immediately upon the confession of the parties indicted, as you contend, and he had made his demand, and brought his action immediately, and before judgment, he would have been unable to prove that the parties were convicted.]

The defect in the means of proof of a fact is not conclusive against the fact. The question is, what is the meaning of the word "convicted"? and not only in popular, but in legal language, the term is continually used as distinguished from judgment, which may or may not follow upon conviction—4 *Blackstone's Commentaries*, pp. 329, 362. By this statute, the inhabitants are not bound to prosecute with effect, but merely to give material evidence. If they fulfil that condition of their recognizance, and a verdict

passes against the party indicted, they have nothing more to do with the matter, and are entitled to the reward, although the prosecutor may not call the party up for judgment, and they have no means of compelling him to do so. Again, by stat. 58 Geo. 3. c. 70, the overseers are to have notice of the disorderly houses complained of, and are to have the option of conducting the prosecution themselves, and it is *such* overseers who are to pay the reward. The defendants never had that option, nor does it appear, from the written demand served upon them, that they ever had any notice of the proceedings until the demand was made upon them. Further, the written demand does not state that the conviction took place when the defendants were overseers. There had been a previous demand on Watson and Carbonell, and the plaintiff cannot make more than one demand in such case. Lastly, churchwardens are overseers, and admitting that a notice addressed to all would have been good, though served on one only, this is a demand upon only a portion of the overseers. *Non constat*, that the churchwardens have not paid the reward.

TINDAL, C.J.—This case comes before us on a motion that the defendants may enter a nonsuit, or that there may be a new trial. The grounds on which a nonsuit is asked for are three. In the first place, it is said, that the action has been brought against the wrong overseers; that the penalty was incurred by, and should have been enforced against the overseers of 1842, whereas the defendants are the overseers of 1843. Secondly, it is urged, that the demand made upon the defendants was insufficient and improper; and the third objection is, that no action will lie against two overseers only for the penalty, where no demand for the 10*l.* has been made upon all of them. The first is the main and principal ground of objection relied on. The action is brought upon the stat. 25 Geo. 2. c. 36, because though by a subsequent act, 58 Geo. 3. c. 70, it is put into the power of the parish officers, if they think proper, to become themselves the prosecutors of disorderly houses, upon notice thereof given to them, yet, if they decline interfering, that later statute allows the prosecution to go on as before: and as it appears that in the present case, the plaintiff did

(8) 4 & 5 Will. 4. c. 76; 39 & 40 Geo. 3. c. 99, 57 Geo. 3. c. 29; 59 Geo. 3. c. 12, were referred to.

(9) 2 B. & Ad. 944; s. c. 9 Law J. Rep. M.C. 73.

(10) 6 Ad. & El. 873; s. c. 6 Law J. Rep. (N.S.) M.C. 113.

bring the matter to the notice of the parish officers, who thought it expedient, no doubt from most proper motives, not to interfere, the case must stand altogether upon the previous statute of Geo. 2.—[His Lordship then read section 5. of the statute.] The first point is, who were the overseers of the parish of Paddington at the time of the conviction of these parties? It appears that when the parties were brought before the Sessions, they pleaded guilty; and it is contended, on the part of the defendants, that such confession was the conviction; on the part of the plaintiff, it is said, that there was no conviction until they were brought up for judgment. Undoubtedly, the word conviction is *verbum equivocum*. It is used in both the senses contended for. In common parlance no doubt it is taken to mean, the verdict at the time of trial, but in strict legal sense it is used to denote the judgment of the Court. In one of the extracts which has been read from *Blackstone*, the word is used in the same sentence in both these senses. What meaning then does it bear here? In order to determine this, we cannot do better than look to decided cases, and see what meaning the Court has attached to the word in analogous statutes. And I cannot help thinking that *Sutton v. Bishop* is decisive on this point. That was an action, like this, to recover a penalty under a statute, and the question turned upon the meaning to be attached to the word, "convicted" of an offence under that statute. The Court there said, "Though there is a distinction, in criminal cases, between the conviction and attainder, yet there is no such distinction in civil cases between verdict and judgment, so as that any effect can follow from a naked verdict. In a civil action no penalty takes place till judgment be given on the verdict. The penalty is demanded as a debt, and is not due till judgment is given. Any other construction would open the door to frauds. An offender would prosecute another to verdict, and thereby secure his own indemnity, and then proceed no further." Why does not the same reasoning apply here? It would open the door to fraud just as much here as there, if the mere confession of the party prosecuted, without any judgment being pronounced thereon, were held to be a sufficient conviction. The inhabitant might go only so far as to secure his

10*l.* by entering into a recognizance to give material evidence: the party prosecuted might agree to plead guilty, and might never be prosecuted to judgment. In the same way the word "acquittal" is also *verbum equivocum*, and may in ordinary language be used to express either the verdict of a jury, or the formal judgment of the Court, that the prisoner go thereof without day. But there can be no doubt, if we bring the words to a strict legal test, that nothing would suffice to support a plea of *autrefois acquit*, or *autrefois convict*, but the production of the judgment. I think, therefore, looking to the object of this statute, to the decisions of the Courts upon analogous statutes, and to the propriety of applying to acts of parliament the rules of legal interpretation, that the present defendants were the overseers at the time of the conviction of these offenders, and are therefore so far properly made defendants in this action. The next objection is, that the demand made in this case does not shew that the proceedings had taken place according to the provisions of the statute. I think the defendants are not at liberty to raise this objection now. It was not raised at the trial, nor in moving for the rule, and *non constat*, if it had been made at the trial, that the plaintiff might not have answered it. No written demand is necessary, and the plaintiff might have shewn a demand made by word of mouth. Thirdly, it is objected, that churchwardens are overseers *ex officio*, as much as overseers who have been nominated by the Justices, and therefore that the demand in this case should have been upon the churchwardens as well as the overseers. It seems to me unnecessary to determine, whether churchwardens are overseers within the meaning of this statute, because the words of the statute are, that on refusal "such overseers and each of them, shall forfeit." &c. Now, it is clear, that these words do not mean that there shall be a separate penalty incurred by each of the overseers, but that the person entitled to the 10*l.* may make his demand upon each severally, and in case any one of them refuse may sue him for the penalty. We know that in many cases, under private acts of parliament, the number of overseers may be very great. It might be impossible to serve them all with notice of demand. Some of them might be absent from the parish,

and it would be throwing an unnecessary burden on a party entitled to a reward to make service of his demand upon all the overseers essential to his recovery of it. I think, therefore, this demand sufficient to ground the present action. If the other overseers, not sued in this action, had paid the plaintiff the 10*l.* to which he was entitled, that would have been an answer to the action on the merits. It is not pretended, however, that such has been the case. As to a new trial, I agree that had there been no evidence of the constable's prosecuting, there would not have been sufficient to maintain the action. But I think there was evidence of it here. It is suggested, that it is a great hardship on a parish to be compelled to pay such large sums of money to persons who may get up these prosecutions for the sake of the reward. I agree that cases may occur where wicked persons combining together may defraud the parish of money. But such conspiracy would be brought to light by evidence, or would be the subject of an indictment against the parties. Here the parish had the option of prosecuting, which they did not choose to exercise: they have had the benefit of the plaintiff's exertions in suppressing a nuisance, and the defendants have brought this action on themselves by the refusal to pay him the reward.

COLTMAN, J.—The great point here is, what is meant by the word "convicted" in this statute? Looking to the object which the statute has in view, it seems to me that there must be a conviction followed up by a judgment to entitle the inhabitant to the reward. It is for the benefit rendered to the parish by driving improper persons out of it that the reward is given, and this object is not attained unless the offenders are prosecuted to judgment. As to the second point, that the demand was insufficient for not shewing that the conviction took place at the time the defendants were overseers, I agree with my Lord in thinking that this objection is not open to the defendants now. As to the third point, that the demand is bad, not having been made upon the churchwardens, I at first felt some doubt and hesitation, but on consideration I think it was not necessary. The act says, "in case such person shall be convicted, the overseers of the poor of such parish shall forthwith pay the sum of 10*l.*," &c. This casts a duty upon the

overseers, and upon all of them, including the churchwardens. But it is not this obligation to pay, which is the cause of action here. The section goes on to give a remedy to the person entitled to the 10*l.*, not simply on the overseers' default in that duty, but only in case such overseers shall neglect or refuse to pay upon demand the said sum of 10*l.* The action vests only upon demand and refusal, and only against those parties upon whom a demand is made; and as the act says, "such overseers, and each of them, shall forfeit double the sum," &c. it is not necessary to make a demand upon each in order to entitle the party to proceed against any. A difficulty occurred to me, as the action might be brought against one overseer only upon his refusal after demand, whether there was not a misjoinder in this case—whether the action was not brought against too many: but, on consideration, I think, that as there is to be but one sum of 10*l.* paid as the reward, the action may properly be brought against all jointly, who have had a demand made on them, and have refused to pay.

CRESSWELL, J. (11)—I am entirely of the same opinion. As to the first point, I think, the overseers who are liable to this payment, are the overseers at the time of the conviction of the offenders by the judgment of the Court. Whether we look at this statute, or at analogous statutes, I think this is clearly the meaning to be attached to the term "conviction." The word itself is ambiguous. Look then at the object of the statute. The reward is given to the inhabitants, not for any particular step in the prosecution of persons keeping disorderly houses, but for putting in motion proceedings which end in a benefit to the parish, the suppression of houses against good morals. The inhabitants are not entitled to a reward for giving evidence, but having put the constable or the overseers in motion as prosecutors, the inhabitants are then bound by their recognizances to aid them by giving material evidence. The constable then enters into a recognizance to prosecute with effect. But a verdict, not followed by judgment, might be wholly ineffectual to put down the nuisance complained of. It seems to me that the reward is to be paid in respect of the service done to the parish by the in-

(11) Maule, J. was absent.

habitant who put in motion proceedings which terminate in the abatement of the nuisance. There are many analogous statutes which provide that rewards shall be given to persons prosecuting to conviction certain felons. In all those cases it is perfectly clear that conviction means judgment; for, in those cases, to entitle a party to the reward he must have a certificate of the conviction signed by the Judge before whom the felon was tried. I think the same construction applicable here. As to the second point, I concur with my Lord, and my Brother Gokman. I also concur as to the third ground of nonsuit urged, though I have during the argument certainly entertained some doubt. But looking at the section, and admitting that the word "overseer" may, as there used, include churchwardens, the duty of paying the 10*l.* is a duty cast upon them all; and a payment by one would be a payment by all. But if there is no payment of the 10*l.*, I think it is those only on whom the demand is made who incur the penalty for the refusal, and that the plaintiff was not bound to make the demand on all. I quite concur in thinking that there was evidence sufficient to shew that the constable conducted the prosecution; and therefore that there is no ground either for a nonsuit or a new trial.

Rule discharged.

1844. } THE QUEEN v. THE INHABITANTS
May 29. } OF SHIPSTON-UPON-STOUR.

Examination, Sufficiency of Signature of Magistrate—Order of Removal.

The copies of all the examinations sent; under the provision of the New Poor Law Act, 4 & 5 Will. 4. c. 76. s. 79, must shew on the face of them that they were taken before two Magistrates; and it is not sufficient that the Magistrates who take the first examination, (which sets out their character as such) sign their names to the subsequent examination.

It is not an objection to an order of removal of a mother and her illegitimate child, that it adjudicates the settlement of both the mother and child to be in the mother's parish.

On an appeal against an order of two Justices of the county of Worcester, for the

removal of Sarah Sutton, single woman, and her illegitimate child, William, from the parish of Shipston-upon-Stour, to the parish of Atherstone, the Court of Quarter Sessions quashed the order, subject to the opinion of this Court on the following

CASE.

By order, bearing date the 31st day of December 1842, to W. Dickens and H. Townsend, clerk, two of Her Majesty's Justices of the Peace, acting in and for the county of Worcester, whose names are thereunto set, and seals affixed, upon examination of the premises upon oath, and other circumstances, adjudged the place of the last legal settlement of Sarah Sutton, single woman, and her illegitimate child, William, to be in the parish of Atherstone-upon-Stour, in the county of Warwick. The examinations sent to the appellant parish with the said order of removal, were, so far as is material to the decision of the Court, as follows: The examination of Sarah Sutton, (the pauper) taken upon oath before us, two of Her Majesty's Justices of the Peace, in and for the county of Worcester, who, upon her oath, saith, "I am about twenty-four years of age. I have not, to the best of my knowledge and belief, gained any settlement in my own right. About seven weeks ago I was delivered of a male bastard child, in the parish of Shipston-upon-Stour, which has since been christened William." Taken and sworn before us this 31st day of December 1842,

(Signed) William Dickens,
H. Townsend.

The mark + of Sarah Sutton.

Then immediately followed, on the same sheet of paper, the examination of Patience Randall, the wife of Thomas Randall, of Shipston-upon-Stour, in the county of Worcester, labourer, taken this 31st day of December 1842, who upon her oath saith, "that the pauper, Sarah Sutton, is my daughter; that she was born at the parish of Atherstone-upon-Stour, in the county of Warwick, and is about the age of twenty-four years, and is illegitimate, being born before I was married." Taken and sworn this 31st day of December 1842, before us,

(Signed) William Dickens,
H. Townsend.

The mark + of Patience Randall.

These two examinations filled the second and third pages of the sheet of paper; the first page of which was occupied by the notice of chargeability and order of removal. The whole was duly sent by the overseers of the respondent parish to the overseers of the appellant parish. There were twelve grounds of appeal; but those upon which the Court of Quarter Sessions grounded their decision are as follows: first, that the said examinations are defective and insufficient in this, that it is nowhere therein alleged, nor does it appear that the said Sarah Sutton is not a widow, or that she never acquired any settlement by marriage. Secondly, that the examination of the said Sarah Sutton contains no legal evidence, shewing, that she or her said child are, or either of them is, settled in our said parish of Atherstone-upon-Stour. Thirdly, that it does not appear in and by the said examination, or any part thereof, that the examination of the said Patience Randall was taken before two of Her Majesty's Justices of the Peace, of the county of Worcester, nor that she was examined before two Justices of the Peace, for the county of Worcester, touching the place of the legal settlement of the said Sarah Sutton, or before the said Justices, who signed the said order of removal. Fourthly, that the said order of removal, as regards the said William, is bad and erroneous in this, that it adjudicates as to his settlement in our said parish of Atherstone-upon-Stour, absolutely; whereas it should have adjudged and ordered, that, as an illegitimate child, he should have and follow the settlement of his mother the said Sarah Sutton, until he should attain the age of sixteen only. Before the appeal was called on for hearing the counsel for the appellants contended, that the order ought to be quashed, upon the objections contained in the grounds of appeal above set forth; and the Court, after argument, were of that opinion, and quashed the same accordingly. If the Court of Queen's Bench should be of opinion that the objections stated in either of the first three grounds of appeal, were fatal to the sufficiency of the examinations, then the order of the Court of Quarter Sessions to be confirmed; or, if they should be of opinion that the order was bad, only upon the objections raised in the fourth ground of appeal, above stated,

then the said order was to be quashed, so far as regarded the said William, otherwise the case to be sent back to the Sessions, to be heard upon the merits.

Selfe and Beadon, in support of the order of Sessions.—First, though the examination is framed with technical particularity in other respects, it does not shew that the pauper, Sarah Sutton, never was married; and the Sessions are, in all cases, to judge whether there is sufficient particularity—*The Queen v. Bridgewater* (1).

[LORD DENMAN, C.J.—It appears that she is a single woman and the mother of an illegitimate child.]

Then, secondly, Patience Randall's examination is not stated to have been taken before two Justices; there is no heading to her examination, and the jurat gives no description of the persons before whom it is sworn.

[COLERIDGE, J.—The day is the same with that on which the first examination was taken; the names are the same, and they are both on the same paper.]

The observations of Williams, J., in *The Queen v. Silkstone* (2), are applicable to this case. The result of the decisions, under the Poor Law Act, goes to shew that examinations are to be construed with the same strictness as orders; and such a defect as this would vitiate an order—*The King v. Stepney* (3), *The King v. Bourn* (4). Lastly, the order is bad, as to the child, for the reason stated in the fourth ground of appeal. It cannot be said that the child is settled in Atherstone, but he follows the mother's settlement, until he attains the age of sixteen—4 & 5 Will. 4. c. 76. s. 71. Such an order would conclude the appellants, as to the settlement of the child, in any future appeal.

Whitmore and Huddleston, contra.

[LORD DENMAN, C.J.—You need not trouble yourself on the third objection.]

As to the second, though it might be a good objection, if it were shewn that, in point of fact, the examinations were not all taken before the same Magistrates, yet it need not be shewn affirmatively, by the respondents, that they were so taken. The statute

(1) 10 Ad. & El. 693; s. c. 10 Law J. Rep. (w.s.) M.C. 42.

(2) 2 Q.B. Rep. 524; s. c. 12 Law J. Rep. (w.s.) M.C. 5.

(3) Burr. S.C. 23.

(4) Ibid. 39, 42.

4 & 5 Will. 4. c. 76. s. 79. requires that "a copy of the examinations" shall be sent; it is by no means clear that this requisition would not be satisfied, though no jurat were sent; it is not indeed directed that they shall in the first instance be taken in writing. But, secondly, it may be collected, on the face of these examinations, that they were all, in fact, taken before the same Magistrates. The identity of names and dates makes out a *prima facie* case of identity of persons: then, again, they are called examinations, and are on the same paper, and sent with the order. The Court will make every fair and reasonable intendment to support the order—*The Queen v. Rotherham* (5).

LORD DENMAN, C.J.—On considering one of the objections taken, we think that there is much more in it than at first appeared: I allude to the mode of taking the examinations. We have, first, "the examination of Sarah Sutton, the pauper, taken on oath, before us, two of Her Majesty's Justices of the Peace, &c., who, on her oath, saith," &c. To this examination there is a jurat "taken and sworn before us," with the signature of the Magistrates; and immediately following, on the same paper, we have "the examination of Patience Randall, taken on this 31st of December, who, on her oath saith," &c., and then follows the jurat, "taken and sworn before us," and the signature of the same names as the preceding examination. It is to be observed, that it is not stated, either in the body of this latter examination, or in the jurat, that such examination was taken before persons having authority to administer an oath. It is, however, contended, that this need not appear, and that a copy of the contents of the examination is substantially sufficient to satisfy the requisition of the new Poor Law Act. I am not satisfied that such is the case. In my opinion, the proper course is to set out the whole examination. We cannot assume, in this case, that this has not been done, which would be tantamount to assuming that the parties sent an imperfect copy, merely to raise the question as to how much it is necessary to send. The first examination is sufficiently set out. The second,

(5) 2 Q.B. Rep. 557; s.c. 12 Law J. Rep. (N.S.) M.C. 17.

standing alone, does not purport to be taken before two Justices; but it only shews that it was taken before two individuals. The objection has been well taken on the grounds of appeal; and I think the objection is good, and that the evidence was insufficient.

PATTERSON, J.—We must look at these examinations with the same strictness as if they were true copies. Suppose you struck out both jurats, then it would appear that the first was taken before two Magistrates; but it could not be contended that there was anything in the second examination to shew that it was so taken; and the jurats themselves do not shew it. In fact, it is only at the heading of the first examination that this appears at all. Could Patience Randall, then, be indicted for perjury on this examination? I think not. As to the second examination being on the same paper with the first, if we held the second sufficient on that ground, I do not see to what length we might not be called upon to go in any other case. The next thing we should be asked to do would be to admit two separate affidavits in a cause, merely because they were made on the same paper, though only one appeared to be made before a commissioner, and no reference made by one to the other.

WILLIAMS, J.—I was at first struck by the observation of Mr. Whitmore, that the act only required a copy of the examination to be sent, and not the whole examination itself. The case, however, treats the examination itself as the imperfect document; and the question sent to us assumes, that the fault, if any, is in the examination itself: treating it, then, as a question arising on the examination, it comes to this—would such an examination support an indictment for perjury? The examination of Patience Randall contains no reference whatever to the parties before whom the first examination was taken, nor is there any qualification shewn to exist in the parties who take such examination.

COLERIDGE, J.—I come to the same conclusion with the rest of the Court; though with great regret, and some hesitation. The safe rule, however, as it seems to me, for the Court to adopt, is to treat the objection as one taken to the examination itself. The appellants are entitled to assume that

the copy is a true one. I do not go the whole length of treating such a document as this, as an order of Magistrates, as Mr. Beadon contends, for if, in general, the Magistrates were satisfied that such examinations are sufficiently distinct, the Court would uphold them; not so with orders: nevertheless, as applied to everything which gives the Magistrates jurisdiction, the same rule holds in both cases. I think as to *Patience Randall's* examination, there clearly is not enough of itself to shew that it was properly taken. But it is said that we must assume it to have been taken before the same persons as the former examination, because the names are the same, and it is written on the same paper as the first examination, and that the time and names are the same; but I agree with my Brother *Patteson*, that if we take that into account, there is no knowing where we are to stop. This is in the nature of *parol* evidence, and we might, by the same rule, receive *parol* evidence, to shew that the handwriting is the same in each case.

Order of Sessions confirmed.

1844. }
May 30. } THE QUEEN v. BLAKE AND TYE.

Indictment—Conspiracy—General Allegation—Evidence—Revenue.

An indictment charged the defendants with conspiring to cause goods which had been imported, &c., and in respect of which certain duties of customs were payable to the Queen, to be carried away from port without payment of duties, with intent to defraud the Queen in her revenue of customs. There were also counts charging the defendants generally with conspiring to defraud the Queen of duties by false and fraudulent representations of the value and nature of the goods:—Held, that the gist of the indictment being the conspiracy, the indictment was sufficiently certain, without shewing what the goods were, or what duties were payable on them.

Upon the trial, B, one of the defendants, only was present; T, the other defendant, having absconded. The evidence shewed that, under the statute 3 & 4 Will. 4. c. 52, (for the regulation of the customs;) it was the duty of T, as agent of the importer, to make

certain entries, called "sight entries," upon which entries warrants would be granted for the examination of the goods by B, whose duty it would be to enter the actual contents of the cases in a book, called "the Blue Book," the examination being made in the presence of T, who would thus also become aware of the actual contents, and should make therefrom what is called "a perfect entry," and transmit it to B, whose duty it would be to compare it with the "Blue Book," and if the "perfect entry" and "Blue Book" corresponded, to write the word "correct" across the "perfect entry," when, upon payment of the duty thus ascertained, the goods would be delivered.

Evidence was given of thirteen different transactions of passing goods through the Custom House, in which both B. and T. had been concerned, the "sight entries" and "perfect entries," in all of them being proved to be in the handwriting of T, and the entries in the Blue Book, with the word "correct" written across the "perfect entries," being proved to be in the handwriting of B. All the entries were proved to be false.

It was then proposed to put in evidence a day-book of T, containing entries in his handwriting, relative to the thirteen several transactions, and shewing the amount of duties actually paid, as the importer's agent. This book had been found in the counting-house of T, who carried on business in partnership (not with B.) as Custom House agents:—Held, that the day-book was admissible in evidence.

It was also proposed to put in evidence against B. the butt or counterfoil of T's bank cheque-book, which had also been obtained from his counting-house, and which purported to shew that part of the monies of which the Customs had been defrauded in these transactions had been paid to B:—Held, that this was no act done in pursuance of the conspiracy, so as to make the entry evidence against B, and was no more than a declaration or statement by a co-conspirator to a third party, as to the result of the conspiracy.

This was an information at the instance of the Attorney General, charging the defendants with a conspiracy to defraud her Majesty of certain duties of customs.

The first count charged, that the defen-

dants did unlawfully and fraudulently conspire, combine, confederate, and agree together and, with divers persons unknown, &c., to cause and procure certain goods, wares, and merchandises, which had been theretofore imported, and brought into the port of London from parts beyond the seas, and in respect whereof certain duties of customs were then and there due and payable to our said Lady the Queen, to be taken and carried away from the said port, and to be delivered to the respective owners thereof, without payment of a great part of the duties of customs so then and there due and payable thereon as aforesaid, with intent thereby, then and there to defraud our said Lady the Queen in her said revenue of the customs. The second count charged a similar conspiracy to defraud the Crown of duties, "by false and fraudulent representations and statements of and concerning the numbers, measures, weights, and values respectively of certain foreign goods and merchandises, which had been and were theretofore imported, and brought into the said port of London from parts beyond the seas, and in respect whereof certain duties of customs were then and there due and payable to our said Lady the Queen, according to the numbers, measures, weights, and values respectively, of the said foreign goods, wares, and merchandises respectively."

The third count charged a similar conspiracy to defraud, "by fraudulently omitting and neglecting to make and give a true, full, and correct declaration and description of the particulars of the numbers, measures, weights, and values respectively, of certain foreign goods, wares, and merchandise respectively, which had been and were theretofore imported and brought into the said port of London from parts beyond the seas, and in respect whereof certain duties of customs were then and there due and payable to our said Lady the Queen, according to the numbers, measures, weights, and values respectively, of the said foreign goods, wares, and merchandises respectively." The fourth count charged, "That the defendants conspired to cheat and defraud our said Lady the Queen of divers large sums of money then being due and payable to our said Lady the Queen, in respect of the duties of customs of this realm."

At the trial, before Lord Denman, C.J. at the Sittings at Guildhall, after last Michaelmas term, the defendant Blake alone appeared, Tye having absconded. The evidence offered on behalf of the Crown shewed, that at the time of the occurrence of the transactions which gave rise to the information, Blake was one of the landing waiters at the Custom House in London, and Tye and a partner (trading under the name of F. & J. Smith & Co.) were agents at the Custom House for importers of goods, in respect of the duties payable to the Crown upon the importation. In pursuance of the act 3 & 4 Will. 4. c. 62, for the general regulation of the customs, the importer of goods, or his agent, is required within fourteen days after the arrival of the ship, to deliver to the collector or comptroller, either a perfect entry of the goods imported, or if the contents of the cases are unknown, and he is therefore unable to declare the contents, then an entry by bill of lading, from which a perfect entry is subsequently made.

Where the entry is by bill of lading, the collector grants a warrant thereupon, in order that the goods may be provisionally landed, and may be seen and examined by the landing waiter, in the presence of the importer or his agent. Upon such examination of the goods, it is the duty of the landing waiter to enter in a certain book, called the "Blue Book," as each package of goods is opened and examined, a true account of the description and quantity of goods contained therein, and then return the Blue Book to the registrar, and the landing waiter should not permit the goods to be delivered until he has received a "perfect entry," signed by the proper officers, denoting that the duty upon the contents of the "perfect entry" has been paid. He then compares the "perfect entry" with his Blue Book, and if he finds them to correspond, he writes across the "perfect entry" the word "correct," with the initial letters of his name, and then delivers the goods. The "perfect entry" is made by the importer or his agent, from the account which he himself has taken upon the examination of the goods by the landing waiter, which "perfect entry," being checked by the proper officer, is passed for the duty chargeable upon such goods. It appeared that there were three

teen different transactions of passing goods through the Custom House, in which both the defendants had been concerned. In all these cases, there had been a "sight entry," (or entry by bill of sight,) an entry in the "Blue Book," and a "perfect entry." The sight entries and perfect entries were in each case proved to be in the handwriting of the defendant Tye, as agent of the importer, and in each case the entry in the Blue Book was in the handwriting of the defendant Blake, as the landing waiter, and had also the word "correct," and his initials, proved to be in his writing. The several entries in the "Blue Book" and the "perfect entries" were shewn to be false, and to contain smaller quantities than the real contents of the cases. After this proof had been given, it was proposed to put in evidence the day-book of the defendant Tye, which contained entries in his handwriting relative to the several thirteen transactions, and which entries respectively shewed the amount of duty actually paid by him, as the importer's agent, with the date of each transaction, corresponding in date and amount with the perfect entry. This day-book had been found at the counting-house of Tye and his partner. It was objected, that this evidence was inadmissible against the defendant Blake, as it was said that there was nothing at that time to connect Blake with Tye, who was charged with having conspired with him. His Lordship received the evidence. It was also proposed, as part of the proof connected with the ninth transaction, to give in evidence the butt or counterfoil of Tye's bank cheque-book. This book had also been obtained from his counting-house. It appeared that the real amount of duty, payable in this case to the Crown, was 26*l.* 18*s.* 5*d.*, which sum Tye had charged and received from Messrs. Smith & Anderson, the importers, as their agent. The "Blue Book" and "perfect entry" shewed the amount payable, and paid, to have been 19*l.* 3*s.*, by which the Crown was defrauded of 7*l.* 10*s.* 5*d.* In this case the "sight entry" was dated the 13th of September 1841, and the entry in the "Blue Book," the "sight entry," and the "perfect entry" were dated the 14th of September. On the counterfoil of the cheque, dated the 4th of October, was the following entry, in Tye's handwriting:—

No. 24.	
4th Octr. 1841.	
Initials, D. B.	
S. & A.	£7 10 5
Gloves..	79 16 0
P. S. ..	12 12 0
111	64 2 0
	164 0 5
	£82 0 0

The cheque itself was not produced. It was contended, that "S. & A. 7*l.* 10*s.* 5*d.*" clearly referred to Smith & Anderson, and to the amount in which the Crown had been defrauded in that case. It was also objected, that this was no evidence against the defendant Blake, being a mere statement or memorandum in writing by Tye, of something done by him alone, and not any act done in furtherance of the alleged conspiracy. His Lordship received the evidence with considerable doubt as to its admissibility, and evidence was then given, tracing a note for 10*l.*, which had been given as part cash to Tye for the cheque of 82*l.*, to the possession of the defendant Blake. Blake was found guilty. Upon being brought up for judgment in Hilary term (January 25th)—

Cockburn moved for a new trial, on the ground of the improper reception of evidence, and contended, that as Tye had not been upon his trial, his ledger or day-book was not evidence against Blake, as at the time it was offered there was no conspiracy established between Blake and Tye, so as to make the act of one evidence against the other, on the ground of being an act done in furtherance of the conspiracy. He cited 1 *East's P. C.* 96, 2 *Russell on Crimes and Misdemeanours*, 570, *The King v. Salter* (1), *The King v. Stone* (2), *The King v. Hardy* (3). He next contended, that the writing in the counterfoil of the cheque was clearly inadmissible against Blake. Even assuming at the time it was offered that there was some evidence of a conspiracy between Tye and Blake, yet the writing upon the counterfoil of the cheque was a mere statement or memorandum of Tye's—not in any way done in furtherance of the common design, and not so receivable against Blake. That it was no more than if Tye had told a third

(1) 5 *Esp.* 125.

(2) 6 *Term Rep.* 527.

(3) 24 *State Trials*, 435, 453.

person, that he had given Blake a sum of money on account of goods fraudulently passed at the Custom House. The cheque was not produced, though a sum of 10*l.*, alleged to have been part of the proceeds of it, were traced to Blake, which was perhaps legitimate evidence. But the objection is, that the writing upon the counterfoil was not admissible, as it was no more than a simple declaration of Tye's. He also moved in arrest of judgment. None of the counts of the indictment contain a sufficient statement of any offence punishable by law. The indictment charges generally in each count the conspiracy to procure goods which had been previously imported, and in respect of which "certain duties of customs" were due and payable to the Crown, to be carried away, &c. Now, though it may be true, that in an indictment for a conspiracy, the means may be subject of general allegation, yet enough of the nature of the offence should be shewn to make it appear whether the acts of the parties amount to a crime in law. In *The King v. Horne* (4), De Grey, C.J. says, "The charge must contain such a definite description of the crime, that the defendant may know what crime it is which he is called upon to answer, and that the jury may appear to be warranted in the conclusion of guilty or not guilty, and that the Court may see how to apply the punishment." Revenue duties are created by statute, and it would be no offence at common law to import, or to conspire to import, goods without the payment of such duties (5). It should, therefore, appear on the face of the indictment, whether these were goods on which customs duties were payable. Again, unless the nature of the goods is shewn, the defendant will not be able to plead *autrefois acquit* or *autrefois convict*, in the event of a second indictment for the same offence. The case of *The King v. Everett* (6) is precisely in point. There it was held not sufficient to allege that a party had attempted to bribe a custom-house officer to forbear to seize goods, without shewing the facts from which the duty to seize them arose, though it was alleged that it was his duty to seize goods forfeited for being illegally imported, and that the goods in question

had been illegally imported and forfeited. The Court there said, it is not every man in the service of the customs, who is empowered to seize goods imported without payment of duty, and that the allegation that it was his duty to seize the goods, was an allegation of matter of law; so here, the payment of duty is matter of law, arising on the construction of particular acts of parliament. If this indictment is good, it might well be contended, that an indictment for conspiring to import goods without payment of duties, without averring that they were liable to duties, would also be good.

[PATTESON, J.—The fourth count is laid generally as a conspiracy to defraud the Crown of duties. A very general count was held good in an indictment for conspiracy in *The King v. Gill* (7).]

That was for conspiring to defraud parties of money, but the term "duties" involves a mixed question of law and fact. The objection applies equally to all the counts.

LORD DENMAN, C.J.—I think that there is not the smallest ground for doubting the goodness of the indictment. The first count charges the defendants with conspiring to procure certain goods which had been imported and brought into the port of London, and were already landed, and in respect of which certain duties of customs were due and payable to our Lady the Queen, to be taken and carried away from the said port, and to be delivered to the respective owners thereof without payment to the Queen of her duties. The last count contains a general charge of a conspiracy to defraud Her Majesty of monies payable for duties, &c.; and the objection taken would apply to that count as well as to the others; but I think the indictment is perfectly good, as it is matter of evidence what the particular goods were, and to what duty they were liable. Parties may conspire together to defraud the Queen of duties payable on goods, without knowing precisely what the goods or the duties are. This is not like the case of *The King v. Everett*, where an indictment for bribing an officer not to do certain things, was held bad, because it was not shewn how it became his duty to do them.

(4) Cowp. 682.

(5) See stat. 3 & 4 Will. 4. c. 55.

(6) 8 B. & C. 114; s. c. 6 Law J. Rep. M.C. 83.

(7) 2 B. & Ald. 204.

PATTERSON, J.—The first count states that the goods were liable to duty, and the conspiracy is laid to be to defraud the Crown of the duty. Therefore, it shews the offence, which is charged as far as it can be done in a case of this kind. The gist of the offence is the conspiracy, and that is sufficiently stated. With respect to the objection that is raised as to the difficulty of pleading *autrefois acquit* or *autrefois convict*, the question must, in ninety-nine out of a hundred cases of conspiracy, be one of evidence. Suppose, for instance, the case of an indictment for a conspiracy to bring the House of Commons into contempt: in such an indictment the means need not be set out. Therefore, if there was a subsequent indictment for the same offence, the question as to what the particular charge was on the former occasion would be a matter of evidence. In cases of conspiracy, the charge is scarcely ever made with so much particularity, but that evidence of the nature of the charge would be necessary, in the event of the party wishing to plead *autrefois acquit* or *autrefois convict*.

WIGHTMAN, J.—I am of the same opinion. In the case of *The King v. Gill* the indictment charged that the defendants conspired by divers false pretences and subtle means and devices, to obtain from A. divers large sums of money, and to cheat and defraud him thereof; there it was held, that the gist of the action being the conspiracy, it was sufficient to state the act and object of the conspiracy, and that the specific pretences need not be stated. The objection which has been urged against this indictment would apply to almost every case of conspiracy to defraud a third party. In the event of a plea of *autrefois acquit* or *autrefois convict*, the nature of the means must be supplied by parol evidence.

Rule nisi for arresting the judgment refused.

Upon a subsequent day—a rule nisi having been granted for a new trial, on the ground of the improper reception of the above evidence—

Theisiger (Solicitor General) and *W. F. Pollock*, now shewed cause.—First, as to the day-book of Tye. It was not necessary actually to have proved a conspiracy, before the book could be admitted, though at the time of its admission much evidence of a

conspiracy had been given. Tye's handwriting to the sight entries and to the perfect entries had been proved, and Blake's handwriting to the Blue Book. The contents of the cases had been shewn to be larger than the entries in the Blue Book would make them. Those entries were therefore false, and were made from an examination of the goods, in Tye's presence, and from which examination he made the perfect entry. There was, therefore, strong evidence of concert, independent of the day-book, and that book was admissible as a further step in proof of the conspiracy, which might be established by the joint or separate acts of each conspirator. It was for the jury to say whether the acts were done to carry out the common design—*The Queen v. Murphy* (8). It is difficult to collect from the cases any general rule as to admissibility of evidence of this nature on indictments for conspiracy. The cases that were relied upon in moving for the rule, only shew that where the conspiracy is of a general description, as to create disaffection towards the government, or to convey treasonable intelligence to the enemy, the conspiracy of several to act in concert must be established by proof, before evidence can be given of acts done not in the presence of the prisoner. If it has not been so established, the link to connect the prisoner with the act is wanting. But here the common object had been established, and evidence of the part that each took would not therefore be rejected. Secondly, the writing upon the counterpart of the cheque was also admissible. That was made at the time the cheque was drawn, and was not a history of the cheque, but in the nature of a declaration accompanying an act. A fraud upon the government in respect of the ninth transaction had been established, and a sum less than the duty, by 7*l.* 10*s.* 5*d.*, had only been accounted for, while the real importers had been charged the larger sum. It was important, therefore, to shew that Blake had received a portion of the 7*l.* 10*s.* 5*d.* This was receivable upon the principle of the decision in *The King v. Watson* (9). Nor does it make any difference that Tye was not upon his trial (10).

Cockburn, contra, was not called upon.

(8) 3 Car. & Pay. 297.

(9) 2 Stark. N.P.C. 140.

(10) 2 Stark. on Evid. 329.

Lord DENMAN, C.J.—The rule must be made absolute for a new trial, for the improper reception of the second piece of evidence objected to. Upon the first point, the evidence was clearly receivable; it was an entry made in the course of the transaction, which could not have been proved by any other means. With regard to the other piece of evidence, I doubted much at the trial as to the propriety of its reception; but upon being much pressed to receive it by the Attorney General I did so. It was contended, that it might be considered as a necessary act, and in furtherance of the conspiracy; but it was not so, as full effect might have been given to the conspiracy without it. It is the same thing as if this conspirator had said to some one else, that he had paid Blake a sum of money to put him in possession of the fruits of the conspiracy. Upon the ground taken in *Hardy's case* this was not admissible. It is a mere statement of what this party was doing, and if such statements were received, they would create much embarrassment, and, in many cases, would tend to discharge the parties making them, and throw all the responsibility upon others. In *Watson's case*, the circumstances were very different. The papers there were intimately connected with the objects of the conspiracy. Without looking to the precise objection taken, the language of the Court there might appear too general. [His Lordship read the judgment at p. 141, 2 *Stark. Rep.*] The report adds, "But the Court seemed to be of opinion, that an indorsement upon the plan of the machine, which did not appear to be at all connected with the general design, was not admissible in evidence." Upon the principle, therefore, that a mere statement made by one conspirator, or an act that he may choose to do, which is not necessary to carry the conspiracy to its end, is not evidence, under these circumstances, to affect another, I am of opinion that the writing on the counterpart of the cheque was not admissible.

PATTON, J.—I am of the same opinion. With regard to the first point, it is undoubtedly true as a general proposition, that the fact of a conspiracy must be first established. But a conspiracy need not be established by proof which actually brings the parties together, but by evidence of a direct or circumstantial nature, or by proof of circum-

stances which lead to such a conclusion. The evidence in this case was of something done by one of the parties charged as a conspirator, tending directly towards the very act to be accomplished. It was receivable as a step to establish the conspiracy itself. But as to the second point, the counterpart of the cheque had no connexion at all with the conspiracy. The information charges the defendants with defrauding Her Majesty of certain duties. That had been all done before the cheque was thought of, which was merely a mode of dividing the profits afterwards. It is curious, that not only in *The King v. Watson*, but also in *The Queen v. Murphy*, this very same distinction is drawn; in the latter case (p. 306), evidence of what persons had said after the meeting was rejected. This was no more than a statement of one of the co-conspirators afterwards.

WILLIAMS, J.—As to the first point, no general rule can be laid down, as has been stated by the Solicitor General, when it can be said that proof of the conspiracy is completed. The case is to be made out, which cannot be done *per saltum*. Then, if so, the detached acts of each are admissible to establish the charge. Therefore, an entry by Tye or Blake in furtherance of the charge would be admissible. Upon the other point the authorities are equally clear to shew that the counterfoil of the cheque was not admissible. It is no more than a declaration made by the writer. But the conspiracy at that time was completed, and the declaration related only to the fruits of it.

COKERIDGE, J.—I agree with the rest of the Court upon both points. With regard to the second, it is very clear, if we keep in sight the admitted principle, which is, that acts or declarations are not receivable, unless they tend to the advancement of the common object... That assumes the object not to be then completed. If it has been accomplished, the act or statement is not receivable. This was a mere statement as to the share of the plunder. Tye makes a memorandum, part of which is "S. & A. 7l. 10s. 5d." It is just the same as if it had been an entry made in his own private memorandum-book of a transaction that had been accomplished.

Rule absolute.

1844.
April 26;
May 27.

DOE dem. THE MARGINS OF AN-
SARMA v. THE CHURCHWAR-
DENS AND OVERSEERS OF
THE POOR OF THE PARISH
OF RUGELEY.

*Workhouse—Lease—Forfeiture—Cove-
nant—Breach of, by Operation and Com-
pulsion of Law.*

A house and some land were demised to trustees for the reception and use of the poor of the parish of R., and there was a covenant by the lessees "to use, occupy, possess, and enjoy the demised premises, for the sole use, maintenance, and support of the poor of R. aforesaid, and not to convert the building or land, or employ the profits thereof, to any other use, intent, or purpose whatsoever." The lease contained a proviso for re-entry. —Held, that the removal of the paupers from the house demised, to the Union workhouse, under an order of the Poor Law Commissioners, and a letting of the land, which had been occupied and cultivated by the paupers, at a rack-rent, was not a breach of the covenants in either of them; and, accordingly, that, at all events, the removal of the paupers, having been occasioned by compulsion of law, would work no forfeiture.

Rejection for a messuage and land in the parish of Rugeley. The following case was stated for the opinion of the Court:— By indenture of the 31st of August 1778, between the Right Hon. Henry Lord Paget, of Brandon, in the county of Stafford, of the one part, and A. Curzon, of Hagley, in the parish of Rugeley, esq., the Rev. T. A. vicar of Rugeley aforesaid, and W. A. of the parish of Rugeley, gent., and R. W. of the said parish of Rugeley, gent., trustees on the part and behalf of the inhabitants and parishioners of the parish of Rugeley aforesaid, of the other part; after reciting that the maintenance and support of the poor of the said parish of Rugeley, had for many years last past been greatly increased, and the burden thereof become extremely grievous, and difficult to be borne by many tenants and tradesmen, inhabitants of Rugeley aforesaid, and that such mischief and burden had (as it had been presumed) in a great measure arisen from the want of a proper and convenient house for the reception of the poor and needy of the parish of

Rugeley, when they became subjects of relief; and also reciting that a humble address or petition from many of the inhabitants of the said parish of Rugeley was signed by them, and presented to the said Henry Lord Paget, setting forth the above grievance, and requesting his Lordship to grant to the petitioners eleven acres of land upon his Lordship's chase of Cannock Wood, to answer the above good and salutary purpose; which petition his Lordship was pleased to countenance; it was witnessed, that for the considerations aforesaid, and in consideration of the rent, covenants, &c., the said Henry Lord Paget had demised, &c. to the said A. C. T. A. W. A. and R. W. their executors, &c. all that tract or parcel of land situate, lying, and being in the parish of Rugeley, in and upon the chase of Cannock Wood, in a place there called or known by the name of Haching Hill Field, as now staked and set out, containing, by admeasurement, eleven acres of land, abutting, &c.; *habendum* to the said A. C. T. A. W. A. and R. W. their executors, &c.; from the 26th of March then last past, for the full end and time of 1000 years, &c., upon trust as aforesaid; *reddendum* the yearly rent of 5s., payment half-yearly. Covenants by the lessees for the payment of rent; and further, that they the said A. C. T. A. W. A. and R. W., or some or one of them, should or would, on or before the 24th of June next ensuing the date of the said indenture, build, or cause to be built, a house upon part of the thereby demised premises, for the reception of the poor people that should become chargeable to the parish of Rugeley, and should and would, during the continuance of the said indenture, use, occupy, possess, and enjoy the thereby demised premises, and every part thereof, for the sole use, maintenance, and support of the poor of Rugeley aforesaid, according to the true intent and meaning of the parties thereto, and should not convert the aforesaid intended building, or the lands thereby demised, or employ the profits thereof to any other use, intent, or purpose whatsoever. Proviso for re-entry in case of non-payment of the rent, or if the said A. C. T. A. W. A. and R. W. or any or either of them, their executors, &c., should sell, assign, transfer, or otherwise part with their or any of their estates, &c. in the said pre-

mises, without the licence, in writing, of the said Henry Lord Paget, his heirs, or assigns; or if the said A. C, T. A, W. A, and W. R, or any of them, their or any of their heirs, executors, &c. should not in all things well and truly observe, perform, fulfil and keep all and singular the covenants in the said indenture contained. This lease was duly executed by the parties thereto; and within the time prescribed for that purpose in the lease, a workhouse was erected on the demised land, partly by subscription and partly at the cost of the inhabitants, and the eleven acres of land were inclosed, and subdivided by fences and cultivation.

From that time, until after the day on which the order of the Poor Law Commissioners hereinafter mentioned came into operation, the workhouse so built was inhabited by paupers, under the superintendence of a governor, who resided on the premises, and the land became beneficial to the parish by furnishing employment to paupers, who cultivated it under the management of the churchwardens and overseers of the poor for the time being.

From the date of the lease until the time last mentioned the parish officers, by the permission of the lessees, exercised the sole controul over the property in behalf of the parish, and paid the rent reserved by the lease to the lessor, or his representatives, up to the 25th of March 1839, and have been ever since ready and have offered to pay the same, as it has become due, according to the terms of the lease.

By an order of the Poor Law Commissioners, bearing date the 25th of November 1836 (a copy of which was agreed to be read as part of the case) the said Poor Law Commissioners did "order and declare that certain parishes, townships, and places, among which was the parish of Rugeley aforesaid, should, on the 21st of December then next, be, and thenceforth should remain united, for the administration of the laws for the relief of the poor, by the name of 'the Lichfield Union,' and should contribute and be assessed to a common fund for purchasing, building, hiring or providing, altering or enlarging any workhouse or other place of reception and relief of the poor of such parishes and places, or for the purchase of any lands or tenements, under and by virtue of the provisions of the said

act, of or for such Union, or for the future upholding and maintaining of such workhouses or places aforesaid."

After the day on which the above order came into operation, until the month of May 1840, the said property was, under the controul and by the sanction of the proper authorities in that behalf, used for the poor of the union, as it had previously been for the poor of the parish. In the said month of May 1840, all the poor then upon the said property were by order of the proper and competent authorities in that behalf removed therefrom to a workhouse which had been built and provided at Lichfield for the said union. Since that period all the poor of the union have, by order of the proper authorities, been supported in the workhouse at Lichfield, and the workhouse at Rugeley has been in consequence uninhabited and locked up; a garden attached to it, and the rest of the land demised, have been and are in the possession of two several tenants at a rack rent, under the churchwardens and overseers of the parish, which rent has been and is applied in aid of the poor-rates of the parish.

The lessor of the plaintiff is the heir-at-law and legal representative of the grantor of the lease.

The question for the opinion of the Court was, whether under the above circumstances the lessor of the plaintiff had a right to re-enter, by virtue of the proviso in the lease of 1778.

Whately, for the lessor of the plaintiff.—The house is now shut up, contrary to the covenant; the lease was granted for the purpose of having a workhouse on the land demised.

[PATTESON, J.—There has been no underletting of the house; the forfeiture, if any, must be by reason of the non-inhabitaney of paupers.]

The proviso for re-entry is to be construed like any other covenant or contract—*Doe d. Davis v. Elsom* (1), *Lucy v. Lewington* (2), *Bac. Abr.* 'Condition,' (Q) 2, p. 161.

J. W. Smith, for the defendants.—First, there has been no breach of covenant; secondly, if there has been any breach, it has been occasioned by compulsion of law, and works no forfeiture. There has been no breach

(1) Moo. & Mal. 189.

(1) 1 Vent. 175.

of the covenant in terms; the house has not been used for any other purpose than that for which it was originally built; though it is now locked up, it may be made again available for receiving paupers, and is, indeed, now available for receiving such as want it. Then as to the land: it is let at rack rent, and the rent employed in aid of the poor-rate. There is no covenant against underletting, though there is one against assigning. If the lessor's intention was, that it was not to be so underlet, such intention would have been expressed, and it could not indeed have been so intended, as the land in its nature is suitable to manual labour. In the phrase "employ the profits," the word "profits" does not mean the profits of the occupation, as the word "occupy" occurs in the earlier part of the covenant. The "profits" means profits in the hands of the tenant, as in 3 & 4 Will. 4. c. 27. In *Com. Dig. tit. 'Condition,' (L) 1*, it is said, "If a condition be performed as near the intent of the condition as it can be, it is sufficient." That is the case here, and forfeitures are not to be favoured. But, secondly, the compulsion of law excuses the breach of covenant—*Brewster v. Kitchell* (3), *Com. Dig. tit. 'Condition,' (D) 1, (L) 13*. The order of the Poor Law Commissioners has a statutory operation, and the removal has taken place by means over which the parish officers had no controul.

Whately, in reply.—The grant is made for a particular object, and the letting the land is inconsistent with that object.

Cur. adv. vult.

The judgment of the Court was afterwards delivered, by—

LORD DENMAN, C.J.—This was an action of ejectment to recover possession of a building and land demised to trustees for the parish of Rugeley, on the ground of a forfeiture by reason of a breach of a covenant contained in the lease, that the lessee should use, occupy, possess, and enjoy the demised premises for the sole use, maintenance, and support of the poor of Rugeley, and should not convert the building, or the land demised, or employ the profits thereof, to any other use, intent, or purpose whatsoever. Until the month of May 1840, the building was

used as the workhouse, and the land as a garden, which was cultivated by the paupers; but at that time the paupers were removed to a union workhouse at Lichfield, in pursuance of the order of the Poor Law Commissioners, and the workhouse at Rugeley has been shut up since that time, and the garden and land has been let at a rent which has been applied in aid of the poor-rates. This is the alleged breach of covenant by which it was contended the lease was forfeited, but we are of opinion that there has not been any breach of covenant, but that it has been substantially performed. The premises never have been used for any other purpose than that of the maintenance and support of the poor of Rugeley, and although the order of the Commissioners has occasioned for a time a cessation of the actual occupation of the premises by the paupers, such an occupation, either by casual poor, or otherwise, may at any time be resumed; and though the land is not cultivated by the poor, the profits of it are applied to their maintenance. What was the precise date of the breach of covenant? To this question no satisfactory answer was given upon the argument; but if the covenant was not performed, it appears to us the performance would in this case be excused as being by act of law, and involuntary on the part of the lessee. The cases cited in argument, and to be found in *Bac. Abr. tit. 'Condition,'* and *Com. Dig. tit. 'Condition,'* and also the case of *Brewster v. Kitchell*, support this view of the case. Our judgment, therefore, is for the defendants.

Judgment for the defendants.

BAIL COURT.
1844.
June 11.

Ex parte JACKLIN.

Master and Servant—4 Geo. 4. c. 34.
s. 1.—*Jurisdiction of Magistrate.*

The statute 4 Geo. 4. c. 34. s. 1. does not authorize Magistrates to punish misconduct on the part of a servant, which amounts to a felony.

A conviction and commitment under that statute stated, that the servant had contracted to serve as a servant in husbandry, and that in his said service and employment he

(3) 1 Salk. 198.

had been guilty of a misdemeanour and mis-carriage, in that he had purloined a quantity of barley to give to the horses under his care, contrary to the express command of his master. The evidence stated in the conviction shewed it to have been taken in the night by means of a skeleton key:—Held, that in the first place this was not shewn to be misconduct or misdemeanour in the execution of his contract of service, that contract not being particularly set forth; and, secondly, that, at all events, it was a felony over which the Magistrates had not jurisdiction.

William Jacklin had been committed to the house of correction at Louth, under the following warrant:—"Parts of Lindsey, Lincolnshire, to wit.—To the constable of Scamblesby in those parts, and the keeper of the house of correction at Louth, in those parts. Whereas information and complaint upon oath hath been made before us, John Fytche, and William T. Welfitt, Esqrs., two of Her Majesty's Justices of the Peace in and for the said parts, by T. R. Grantham, that he, the said William Jacklin, late of Scamblesby aforesaid, servant in husbandry to the said T. R. Grantham, that he, the said W. Jacklin having contracted to serve the said T. R. Grantham in the business of husbandry until May-day next, hath during his servitude been guilty of divers misdemeanors, miscarriages, and other ill-behaviour towards him, the said T. R. Grantham; and particularly on the night of the 21st day of March last, when he did purloin a quantity of barley to give to the horses under his care, contrary to his master's express commands." The warrant, after stating the apprehension of Jacklin and his appearance before the Justices, and pleading not guilty, proceeded thus: "and whereas in pursuance of the statutes in such cases made and provided, we have duly examined the proofs and allegations of both the said parties, touching the matter of the said complaint, and upon due consideration had thereof, have adjudged and determined that he, the said W. Jacklin, did contract as aforesaid, and hath in his said service and employment been guilty of divers misdemeanours, misconduct and ill-behaviour towards the said T. R. Grantham, in that he, the said W. Jacklin, did on the night of the 21st day of March last, purloin a quantity

of barley to give to the horses under his care, contrary to the express commands of the said T. R. Grantham, and we do therefore hereby convict him, the said W. Jacklin, of the said offence in pursuance of the statutes in such case made and provided." The warrant then directed the removal of Jacklin to the house of correction at Louth, and his confinement there for two months, and authorized an abatement of the wages during the period of the imprisonment, and was signed and sealed by Mr. Fytche and Mr. Welfitt.

A rule had been obtained, directed to the two committing Magistrates, to Mr. Grantham, the prosecutor, and the keeper of the house of correction, at Louth, to shew cause why a writ of *habeas corpus* should not issue to bring up the body of Jacklin, and the cause of his detention, or why he should not be discharged out of custody without being brought up (1). In answer to this rule, Mr. Fytche made an affidavit setting forth the information and summons, and also annexing a conviction as the foundation of the warrant. This supplied various defects upon the face of the commitment, but stated in the evidence that Jacklin had opened the granary in the night time by means of a skeleton key: in other respects the substance of the matter was the same as in the commitment.

Gunning shewed cause.—The objections that the commitment does not state where the contract was made, or that the servant was employed within the jurisdiction of the Justices, or what the evidence was, or that it was given upon oath before the prisoner, are remedied by the conviction now produced. So soon as a valid conviction for the same offence is shewn, defects of this nature in the commitment are cured, and become immaterial—*Paley on Convictions*, 236, *The King v. Taylor* (2). Then with respect to the principal objection, that the

(1) This course has been adopted in several recent cases, in order to save the expense of bringing up the prisoner. If no cause be shewn, then a writ of *habeas corpus* must issue; but, considering that the expense of bringing up the party would form an item of damages, and also the conduct of the Magistrates, in not adopting the reasonable course of shewing cause upon such a rule, might materially influence the opinion of the jury, in the event of the warrant being held to be defective and an action being brought, it seems to be the more discreet course to shew cause.

(2) 7 Dowl. & Ry. 623.

evidence shews that a felony, and not a miscarriage in his service on the part of the prisoner, has been committed, the Court will not very nicely scan the sufficiency of the evidence. So long as there is any evidence to warrant the conclusion at which the Magistrates who heard the case have arrived, the Court will not interfere. Then it was a question of fact, whether the servant did not act under a misapprehension of his right or of circumstances, and without any felonious intent. It is nowhere stated that he feloniously took the barley; and unless that is stated, the Court cannot presume a felony has been committed.

Whitehurst. — The evidence set forth proves beyond all doubt that the subject-matter of the charge, upon which the party has been committed, was a felony. The Magistrates, therefore, had no jurisdiction when they made out this commitment, and both it and the conviction ought to be quashed. Independently, however, of this defect, there is another fatal objection, and that is, that the offence, even if it were a misdemeanour, is not shewn to have had any relation to the contract of service, nor does it appear to have been any breach of orders given him upon the subject of that service. If the terms of the contract had been set forth, and it had been shewn that he was employed as carter, it might be that it would have been a misconduct or misdemeanour in the execution of his contract of service. What were his duties is not stated. It is also submitted, that the conviction is bad, because it has not set them out. But taking the contract to be that he was to take care of his master's horses, the obtaining a skeleton key, and going in the night and taking away the barley, although for the purpose of feeding them, would not be a miscarriage or misconduct merely in the service, but in reality a felony; and the reason why the present course is preferred by the master is obvious, as it enables him to abate the wages.

COLERIDGE, J.—I do not think it is necessary you should argue the matter any further, as, in my opinion, the commitment and conviction are bad. Proceedings of this kind ought not to be dealt with capriciously, but they must, nevertheless, be so dealt with as to prevent Magistrates from bringing matters within the jurisdiction given

them by statutes like the present, which really do not fall within it. Now this statute, 4 Geo. 4. c. 34. s. 1, only extends to cases in which the servant has been guilty of some "misconduct or misdemeanour in the execution of his contract of service, or otherwise respecting the same." A summary conviction is not to be supported, because the party has committed a misdemeanour while in his service, but it must appear to be a violation of the contract. They must be confined to that, for if Magistrates, under the statute in question, punish summarily for what forms the subject of investigation before another tribunal, possibly they may inflict a more severe punishment than would have been imposed upon the defendant, if brought before the regular tribunal and convicted; or it may so happen that he was liable to some heavier punishment, or perhaps it may so happen that he would not be liable to punishment at all. For these reasons, it appears to me that the contract should be truly stated, in order that the Court may be enabled to see that the misconduct complained of was a violation of its terms. Now here I do not see that it was in any way connected with his service; but suppose that, by any intendment, I could say that the defendant appears to have had the charge of the horses, still this would amount to a felony. He has possessed himself of a skeleton key, and in the night he has entered the granary, and taken away the barley; assuming that to have been done for the purpose of feeding his master's horses, still it would amount to a felony, and not fall within the jurisdiction of the Magistrates. Under these circumstances, I think this rule ought to be absolute.

Prisoner discharged.

BAIL COURT. }
1844. }
June 11. }

Ex parte FULLER.

Landlord and Tenant—Distress—Fraudulent Removal of Goods.

A commitment, under the statute 11 Geo. 2. c. 19. s. 4, for fraudulent removal of goods, omitted to state a complaint, in writing, by the landlord, his bailiff, agent, or servant. The order of adjudication stated the defen-

dant to have been duly charged, in writing, before the Magistrate. The Court held the commitment to be bad.

A writ of *habeas corpus* had been obtained to bring up the body of John Fuller, who was a prisoner in the house of correction, at Great Stukely, in Huntingdonshire, under an adjudication, and warrant of commitment, in the following form:—

“Huntingdonshire, to wit.—The order and adjudication of T. S. Fryer, Esq., and the Rev. E. M. Peck, clerk, two of Her Majesty’s Justices of the Peace, in and for the said county of Huntingdon, residing near the place where the goods and chattels, hereinafter mentioned, were removed, and not being interested in the lands or tenements, from whence the same were removed, whose hands and seals are hereunto subscribed and set. Whereas John Fuller, late of Fenstanton, in the county of Huntingdon, hath been duly charged, in writing, before T. S. Fryer, Esq. and the Rev. J. Linton, clerk, two of Her Majesty’s Justices of the Peace, for the said county, residing near the place where the goods and chattels, hereinafter mentioned, were removed, and not being interested in the lands or tenements, from whence the same were removed, with having, on or about the 3rd day of April 1844, fraudulently and clandestinely removed and conveyed away his goods and chattels, to wit, not exceeding the value of 50*l.*, from his dwelling-house and premises, in the parish of Fenstanton, in the county of Huntingdon, to certain premises in the parish of Cottenham, in the county of Cambridge, to prevent J. Beck, of Fenstanton, aforesaid, gent. from distraining the said goods and chattels, for arrears of rent due to him for the said dwelling-house and premises, to the 25th day of March last past. And, whereas, the said T. S. Fryer, Esq., and the Rev. J. Linton, clerk, as such Justices, having summoned the said J. Fuller to appear before two of Her Majesty’s Justices of the Peace for the said county, and we, the undersigned Justices, being two of Her Majesty’s Justices of the Peace for the said county, having duly examined the fact, and all proper witnesses, upon oath, and it appearing, and being fully proved upon oath, before us, that the said John Fuller, did, on the said 3rd day of April, in the year aforesaid, so fraudulently and clan-

destinely remove and convey away the said goods and chattels, as aforesaid, being of the value of 10*l.*, to prevent the said J. Beck from distraining the said goods and chattels, for the said arrears of rent, contrary to the statute, in such case made and provided. We, the said undersigned Justices, do, therefore, this 29th day of April 1844, determine and adjudge that the said J. Fuller is guilty of the offence with which he is charged, as aforesaid; and he is convicted thereof. And we do hereby order and adjudge him to pay the sum of 20*l.*, being double the value of the said goods and chattels, to the said J. Beck, or to T. Alderton, his bailiff, servant, or agent, on or before the 14th day of May, in the year aforesaid. Given under our hands and seals, at St. Ives, the 29th day of April 1844.—T. S. Fryer, (l. s.) E. M. Peck, (l. s.)”

“Huntingdonshire, to wit.—To the constable of St. Ives, in the county of Huntingdon, and, also, to the keeper of the house of correction, at Great Stukely, in the county of Huntingdon. Whereas, J. Fuller, late of Fenstanton, in the said county, horse-dealer, was, by an order dated the 29th day of April, A.D. 1844, under the hands and seals of T. S. Fryer, Esq. and the Rev. E. M. Peck, clerk, two of Her Majesty’s Justices of the Peace, for the county of Huntingdon, residing near the place where the goods and chattels, hereafter mentioned, were removed, and not being interested in the lands or tenements from whence the same were removed, ordered to pay the sum of 20*l.* to J. Beck, of Fenstanton, aforesaid, gent., or to T. Alderton, his bailiff, servant, or agent, on or before the 14th day of May, instant, being double the value of certain goods and chattels of the said J. Fuller, which the said J. Fuller was duly convicted of having fraudulently and clandestinely removed and conveyed away from his dwelling-house and premises, in the parish of Fenstanton, in the county of Huntingdon, to certain premises in the parish of Cottenham, in the county of Cambridge, to prevent the said J. Beck from distraining the said goods and chattels, for arrears of rent due to the said J. Beck, for the said premises. And whereas the said J. Fuller, having had notice of the said order, hath refused or neglected to pay, and hath not paid the said sum of 20*l.* pursuant thereunto, and the

same hath been fully proved before us, the undersigned T. S. Fryer, Esq. and the Rev. E. Baines, clerk, two of Her Majesty's Justices of the Peace, for the said county of Huntingdon, upon the oaths of the said J. Beck and T. Alderton. And whereas it appears unto us, the said T. S. Fryer, Esq. and the Rev. E. Baines, clerk, two of Her Majesty's Justices of the Peace, for the said county of Huntingdon, by the return of T. Alderton, constable of St. Ives, in the said county, dated this 20th day of May instant, that he hath made diligent search for, but doth not know of, nor can find any goods and chattels of the said J. Fuller, by distress and sale whereof the said sum of 20*l.* may be levied, pursuant to the warrant, under the hand and seal of us, the said T. S. Fryer and the Rev. E. Baines, two Justices of the Peace for the county of Huntingdon, bearing date this 20th day of May, A. D. 1844, duly made and issued for the levying of the said sum of 20*l.*, by distress and sale of the goods and chattels of the said J. Fuller. These are, therefore, to command you, the said constable of St. Ives, aforesaid, to apprehend the said J. Fuller, and convey him to the house of correction at Great Stukely, aforesaid, and deliver him to the keeper thereof, together with this warrant; and you, the said keeper, are hereby required to receive the said J. Fuller into the said house of correction; and there to keep him to hard labour, without bail or mainprize, for the space of six months, unless the said sum of 20*l.* so ordered to be paid, as aforesaid, shall be sooner satisfied."—Signed and sealed by T. S. Fryer and the Rev. E. Baines.

Fuller having been brought up,

Gunning moved for his discharge, on the following objections to the commitment:—First, that it did not appear to have been made by two Justices who were authorized to act under the statute: secondly, that it did not allege any rent to be due for the premises: thirdly, that it did not state that the relation of landlord and tenant existed between Fuller and Beck: fourthly, that it did not appear that any complaint, in writing, had been made by the landlord, his bailiff, servant, or agent: fifthly, that it did not appear that the removal was after the rent was due: sixthly, that it did not appear that the 20*l.* remained due, it being only alleged that it was not paid pursuant

to the order: seventhly, that it was not alleged that Fuller had not goods sufficient to satisfy the distress remaining on the premises. To the adjudication, which was set forth on the affidavits, among other objections, he objected that the case was not heard by the same Justices before whom the information was laid; and also that the evidence was not set forth.

J. Henderson shewed cause.—The fourth (1) objection is untenable, inasmuch as the adjudication states that the defendant had been duly charged in writing and according to *The King v. Davis* (2) it would have been sufficient merely to have stated that he was duly charged in order to support it. The Court will make every fair intendment in favour of the act of the Justices; and as the defendant could not have been duly charged without that charge having been made by the landlord, his bailiff, servant, or agent, it must be assumed that the charge was made by one of them. Lord Denman, C.J., in that case observes, "As to the objection that the order does not state the name of the complainant, it is, perhaps, a sufficient answer that it does allege that, on complaint duly made, James Davies was charged." The fact of the Justices acting is sufficient to afford a presumption until the contrary is shewn, for it must be taken for granted that they would not summon the party unless a regular complaint and information were lodged. The form in the present case is that ordinarily used, and the consequence of discharging the prisoner would be to declare a vast number of commitments invalid. It is the ordinary form given in *Burn's Justice*. The commitment, too, need not state the complaint, provided the adjudication shews one to have been properly lodged.

COLERIDGE, J.—It is not an uncommon thing for a form to be in general use for many years, and to be regarded as perfectly good, until it happens that a blot in it at

(1) The other objections are set forth in order to enable Magistrates to guard against them, the forms at present in use being very defective. The judgment proceeded on the fourth, and the argument upon that alone is given. With respect to the first, *J. Henderson* referred to 3 Geo. 4. c. 23. s. 2. as enabling any two Justices to act, though the complaint was not lodged or the case heard before them. (2) 5 B. & Ad 561; s.c. 3 Law J. Rep. (N.S.) M.C. 29.

last is hit. When it is hit, however, we must, notwithstanding the inconvenience it may occasion, act upon the objection. I take it that there is no more inflexible rule, in the construction of convictions, or orders, or commitments, than that the Magistrates who make them must shew that they had jurisdiction. Then, in the present case, in order that they might possess this, a complaint in writing, by the landlord, his bailiff, servant, or agent, is required by the statutes. The commitment does not, however, shew any complaint to have been made; and, at all events, it does not shew a complaint in writing. It may, perhaps, be admitted, that it would be enough if it appeared upon the whole, taken together, that such a complaint has been made, but what is there in this case to shew it? The only argument, indeed, which can be suggested comes to this—that I am to assume a complaint was properly made, because it is improbable that the Magistrates would have acted without one. I cannot assent to that proposition; and, considering the objection to be quite fatal, I think the prisoner ought to be discharged.

Prisoner discharged.

1844. { THE QUEEN v. THE INHABITANTS OF HEANOR.*

Highway—Repair—Indictment—Costs—Statute.

Where, under the direction of Justices, pursuant to s. 95. of 5 & 6 Will. 4. c. 50, a bill of indictment is preferred for non-repair of a road, the Judge before whom the indictment is tried is bound to order payment of the costs of the prosecution, although the defendants have been acquitted, on the ground, that the road in question is not a highway.

In this case two Justices under 5 & 6 Will. 4. c. 50. s. 95, directed an indictment to be preferred at the Quarter Sessions for the county of Derby for non-repair of a highway.

The indictment was removed by *certiorari*, and tried before Tindal, C.J., at the Lent Assizes for Derbyshire, 1844.

* The editor is indebted for this report to one of the barristers concerned in the case.

Plea, not guilty.

The defence set up was, that the road in question was not a highway, and the defendants were acquitted on that ground.

Tindal, C.J. took time to consider whether he would grant the costs.

On a day in Trinity term, after the rising of the Court of Common Pleas,

Willmore applied for the costs.

Whitehurst, contra.—Besides the manifest injustice of inflicting costs on an innocent party, the act empowers the Judge to grant them only in cases of indictment for non-repair of a highway. Here it was proved that there was no highway; therefore the Judge has no authority to grant costs. The point has moreover been decided in *The Queen v. the Inhabitants of Chedworth* (1).

Willmore, in reply.—*The Queen v. the Inhabitants of Chadworth* proceeded on other grounds. Several points were raised. The injustice is equal in granting costs against innocent defendants, whatever may be the ground on which they are acquitted. But it cannot be denied that the legislature clearly meant costs to be paid by defendants, acquitted on other grounds. The object was to prevent persons being deterred by the fear of afterwards paying costs from summoning parties before the Justices for the non-repair of highways. The word "highway" is to be taken in its popular meaning, that which is reputed to be a highway. There is no doubt but that this case would be described as an indictment for non-repair of a highway, and was so named and called on in court.

TINDAL, C.J.—I think that the words of the act are imperative upon me to grant the costs. The term "highway" seems not to be used in its strict legal sense, but rather to mean a road considered as a highway. The object of the legislature appears to have been to protect the prosecutor from the payment of costs in those cases where the Justices direct an indictment; to throw those expenses rather upon a public body than upon one who has been compelled, perhaps against his will, to prosecute an indictment at all.

Certificate for costs granted.

(1) 9 Car. & Pay. 285.

1844. } In the matter of ISAAC TORDOFF.
April 29, 30. }

Commitment, 4 Geo. 4. c. 34—Conviction—Intendment.

Where an act of parliament gives a Magistrate a power of commitment, without a previous conviction, it should appear on the face of the warrant of commitment that the charge was heard and the evidence taken in the presence of the prisoner.

The Court will not intend a good conviction to support a bad commitment.

A writ of *habeas corpus* having been obtained on the part of Isaac Tordoff, directed to the keeper of the house of correction at Wakefield, in the county of York, he returned that the prisoner was in his custody on the following warrant:—

“West Riding of Yorkshire, to wit.—To George Kershaw, the constable, and to the keeper of the house of correction at Wakefield, &c.—Whereas, information and complaint hath been made before me, William Bennett Martin, Esq., one of Her Majesty’s Justices of the Peace in and for the West Riding of the county of York, by Andrew Faulds, of Horsborough, in the said West Riding, colliery proprietor, upon the oath of the said Andrew Faulds, against Isaac Tordoff, late of Stainborough, in the said West Riding, collier, for that he, the said Isaac Tordoff, having contracted with the said Andrew Faulds and others, his partners in trade, as colliery proprietors, to wit, on the 1st day of January, in the year of our Lord 1842, in the West Riding aforesaid, to serve them, the said Andrew Faulds and others, in the said capacity and employment of a collier, in the said West Riding, from thence until the end of one month after he should have given to or received from his said masters notice to quit, and leave his said masters’ service; and that the said Isaac Tordoff, in pursuance of the said contract, entered into the service of the said Andrew Faulds and others accordingly, and that afterwards he did unlawfully absent himself from his said service, without his said masters’ consent, in the riding aforesaid, to wit, on the 23rd, the 24th, the 26th, and the 27th days of February last past respectively, before the time of his said contract was completed, to wit,

after the commencement of the said contract, and before the end of one month after he had given to or received from his said masters notice to quit and leave his said masters’ service, and hath from thence hitherto neglected to fulfil his said contract, against the form of the statutes in such cases made and provided; and whereas the said Isaac Tordoff, in pursuance of my warrant for that purpose, hath this day appeared before me to answer the said complaint, but hath not proved that he is not guilty of the said complaint and charge, and whereas, in pursuance of the statutes in that case made and provided, I have duly examined the proofs and allegations upon oath of both the said parties, touching the matter of the said complaint, and upon due consideration had thereof have adjudged and determined the said complaint to be true, and that he, the said Isaac Tordoff, did contract with the said Andrew Faulds and others, to serve them, the said Andrew Faulds and others as aforesaid, in the riding aforesaid, and did afterwards absent himself from the said service from the time his said contract was completed as aforesaid, to wit, on the several days aforesaid, in the year aforesaid, and I do therefore convict the said Isaac Tordoff of the said offence, in pursuance of the statutes in that case made and provided (1).

(1) 4 Geo. 4. c. 34. s. 3. enacts that “if any servant in husbandry, or any artificer, miner, or other person, shall contract with any person or persons whomsoever to serve him, her, or them for any time or times whatsoever, or in any other manner, and shall not enter into or commence his or her service, according to his or her contract, or having entered into such service shall absent himself from his or her service before the term of his or her service shall be completed, or shall neglect to fulfil the same, or shall be guilty of any other misconduct or misdemeanour, in the execution thereof, or otherwise respecting the same, then and in every such case it shall and may be lawful for any Justice of the Peace of the county or place where such servant, &c. shall have so contracted, or be employed, or be found, and such Justice is hereby authorized and empowered, upon complaint thereof made upon oath to him, by the person or persons or any of them with whom such servant, &c. shall have so contracted, &c., to issue his warrant for the apprehending such servant, &c., and to examine into the nature of the complaint; and if it shall appear to such Justice that such servant, &c. shall not have fulfilled such contract, or shall have been guilty of any other misconduct or misdemeanour as aforesaid, it shall and may be lawful for such Justice to

"These are therefore to command you, the said George Kershaw, forthwith to convey the said Isaac Tordoff to the said house of correction at Wakefield aforesaid, and to deliver him to the keeper thereof, together with this warrant; and I do hereby command you, the said keeper, to receive the said Isaac Tordoff into your custody in the said house of correction, there to remain and be held to hard labour for the space of three calendar months from the date hereof, and for your so doing this shall be your sufficient warrant; and whereas it has appeared to me, upon the proofs and allegations of both the said parties upon oath as aforesaid, that no wages are now or will hereafter become due to the said Isaac Tordoff from the said Andrew Faulds and others, during the period that the said Isaac Tordoff will be confined in the said house of correction as aforesaid, I have adjudged and determined that no wages are now or will hereafter become due to the said Isaac Tordoff from the said Andrew Faulds and others, during the said period that the said Isaac Tordoff will be confined in the said house of correction as aforesaid. I have not made and I do not make any order to abate a proportionable part of his wages for and during such period as he shall be confined in the house of correction as aforesaid. Given under my hand and seal, at the Court House at Barnsley, in the said West Riding of the county of York, the 6th day of March, A.D. 1844.

"Wm. Bennett Martin (l.s.)."

Bodkin (with whom were *Fry* and *Huddleston*), on a former day, moved for the discharge of the prisoner, upon the following (amongst other) objections to the commitment:—It does not appear that the prisoner was present when the witnesses against him were examined. The warrant first recites that Isaac Tordoff had not proved himself not guilty, and then goes on to add that the Magistrate had duly examined the "proofs and allegations upon oath of the parties;" but that does not amount to a statement that the party summoned was present when the complainant was personally examined on oath. The words "this day" refer to the date of the commitment.

The Court then called upon—

commit every such person to the house of correction for a reasonable time, not exceeding three months."

Erle, Yardley, and Overend, in support of the commitment.—No case has gone the length of deciding that a commitment must contain every minute particular connected with the hearing. It is never stated that the party was present at each step in the case; and it is to be intended that having once appeared he continues to be present.

[*PATTESON, J.*—It is contended, on behalf of the prisoner, that the parties are not shewn to be present *together* at any time.]

The complaint upon oath by one party is made in order to obtain a warrant to compel an appearance; then the party summoned appears, and the appearance is on the same day.

[*PATTESON, J.*—What words are there in the commitment to shew that the complaining party was examined on oath after the appearance of the other party? Can we assume that the evidence was all given over again?]

It appears that the examination of both parties took place after appearance.

[*PATTESON, J.*—The warrant does not say that the Magistrate *heard*, but that he examined the allegations and proofs of both parties.]

True; but it goes on to say "upon oath;" and, according to the ordinary construction of the words, both the parties must be taken to have been personally present after appearance.

[*WILLIAMS, J.* referred to *The King v. Lovett* (2).]

There is nothing to shew that the examination was not in the presence of the party summoned. *The King v. Thompson* (3) is against the objection.

[*LORD DENMAN, C.J.* referred to *The King v. Vipont* (4), and *The King v. Baker* (5).]

This form agrees with those in the text books. Besides, though a conviction is not indispensable under the statute, yet it may be, and often is drawn up—*Johnson v. Reid* (6); and if this is looked at as a commitment, a previous good conviction will be intended. The words "I do convict" ap-

(2) 7 Term Rep. 152.

(3) 2 Ibid. 18.

(4) 2 Burr. 1163.

(5) 1 Stra. 316.

(6) 6 Mee. & Wels. 124; s. c. 9 Law J. Rep. (n.s.) M.C. 25.

pearing in the commitment, are mere surplusage, if no conviction is necessary; and if these words are rejected, then this is a simple commitment, and sufficient as such.

[PATTERSON, J.—Is there any case in which it has been held, that where there is only a commitment, and no conviction, the commitment need not be so particular as on a conviction?]

There is no case in which it has been expressly so held, but there is no case the other way. The legislature may have here used the word "commit" advisedly, in order to deprive the parties of the power of raising objections to the form of a conviction.

[WIGHTMAN, J.—According to that argument, there need be no examination at all.]

There need be no statement of it in the commitment. If this is a conviction, the whole evidence ought to be set out, but a commitment does not require the same precision—*Paley on Convictions*, 236.

Cur. adv. vult.

LORD DENMAN, C.J., on a subsequent day, delivered the judgment of the Court.—We think that the warrant in this case is bad, upon the last objection taken to it. It has been properly contended, that, unless upon the face of it it appears that the evidence was taken in the presence of the prisoner, it cannot be supported; and indeed that was not disputed, but it was said, that the evidence had, in fact, been so taken, and that that fact appeared sufficiently upon the face of the warrant. Now certainly this warrant nowhere states in terms that the witnesses were examined in the presence of the prisoner; and it is to be observed, that the most general form of conviction given by any statute contains an allegation of that fact, and that no conviction has ever been upheld, in which that statement, either in express terms or equivalent language, has not been found. Reference has been already made to the cases of *The King v. Vipont* and *The King v. Baker*. There is always great inconvenience in departing from a general rule. It may be, that, in consequence of those decisions, Judges have been obliged to examine the words of each particular commitment, for the purpose of ascertaining whether any reasonable inference could be drawn from them; but, notwithstanding that inconvenience, we feel

ourselves bound to abide by the authority of such cases, and we must therefore look to the form of commitment, to see whether, by reasonable intendment, the defendant has appeared to be present during the examination of the witnesses; and we are of opinion, that it does not so appear. The statement is, that, on a certain day, the prisoner appeared, and was called upon to prove that he was not guilty, which he failed in doing; then follows, in a separate clause, the recital of a "due examination of the proofs and allegations, upon oath, of both the said parties," &c., and it seems to us almost impossible not to conclude, from that language, that no *voir dire* examination of witnesses against the prisoner took place in his presence. It has been argued, that this is a mere warrant of commitment, which would be good if founded upon a good conviction, and that a good conviction must be presumed; but we cannot yield to that argument. The answer is, that this is a conviction; for all the necessary words to constitute a conviction appear. It must be understood that we give no judgment whatever upon the other objections raised before us, but upon this we think the prisoner is entitled to be discharged.

Prisoner discharged (7).

1844. } In the matter of RICHARDS,
April 29. } BIRD, AND OTHERS.

Commitment—Conviction—Inference of Law—Certainty—Substitution.

Where an act of parliament authorizes Magistrates to commit, if a good warrant of commitment be shewn, the Court will not inquire into the validity of a previous document under which a prisoner was in fact committed; since a conviction, if such were necessary at all, might be at any time drawn up to sustain a commitment valid in form.

A *habeas corpus* had been issued, directed to the keeper of the house of correction for

(7) See *The Queen v. Lewis*, ante, p. 46; *The King v. Crowther*, 1 Term Rep. 125; *Wickes v. Clutterbuck*, 2 Bing. 483; s. c. 3 Law J. Rep. C.P. 87; *The King v. Taylor*, 7 Dowl. & Ryl. 622; and see the next case.

the county of Leicester, to bring up the bodies of Joseph Richards, John Bird, James Walker, and James Bird. The keeper of the house of correction for the county of Leicester, returned that Joseph Richards and John Bird were committed and delivered into his custody, under the following warrant of commitment:—

“Leicestershire, to wit.—To the constable of Worthington, in the said county, and the keeper of the house of correction, at Leicester, in the said county. Whereas information and complaint hath been made before me, William Wootten Abney, Esq., one of her Majesty’s Justices of the Peace in and for the said county, by Benjamin Walker, of Worthington, in the said county, coal-master, upon the oath of the said Benjamin Walker, against Joseph Richards and John Bird, late of Worthington aforesaid, in the said county, colliers to the said Benjamin Walker, at his Smoile Colliery, that they, the said Joseph Richards and John Bird, have, in their said service, severally been guilty of a certain misconduct, misdemeanour, miscarriage, and ill-behaviour towards him the said Benjamin Walker, in that the said Joseph Richards and John Bird, having severally entered into their said service, have severally therein not fulfilled their contract by having, at the township of Worthington, in the said county, on the 4th day of April instant, severally neglected their work in such service, contrary to the statute. And whereas, in pursuance of the statute in that case made and provided, I have duly examined the proofs and allegations of both the said parties, touching the matter of the said complaint, and upon due consideration had thereof, have adjudged and determined that they, the said Joseph Richards and John Bird, have, in their said service, been guilty of a certain misconduct, misdemeanour, miscarriage, and ill-behaviour, towards the said Benjamin Walker, in that they, the said Joseph Richards and John Bird, having severally entered into their said service, have severally therein not fulfilled their said contract by having, at the township of Worthington, in the said county, on the said 4th day of April instant, severally neglected their work in such service, contrary to the statute. And I do, therefore, convict them, the said Joseph Richards and John Bird, of the said

offence, in pursuance of the statute in that case made and provided. These are, therefore, to command you, the said constable, forthwith to convey the said Joseph Richards and John Bird to the said house of correction at Leicester aforesaid, and to deliver them to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive the said Joseph Richards and John Bird into your custody in the said house of correction, there to remain, and severally be kept to hard labour, for the space of three months from the date hereof. And for your so doing, &c. Given under my hand and seal the 8th day of April in the year of our Lord 1844.

“(Signed) William Wootten Abney.”

There was another warrant, in exactly the same form and by the same Justice, for the commitment of one James Walker and one William Bird. The return then proceeded to state, that afterwards, and whilst the said Joseph Richards, John Bird, James Walker, and William Bird were respectively so in custody, that is to say, on the 15th day of April A.D. 1844, the said William Wootten Abney caused to be delivered to him a certain other warrant of commitment, the tenor of which was as follows:—

“Leicestershire, to wit.—To all and every constable and other officers of the peace for the said county, whom these may concern, and to the keeper of the house of correction at Leicester, in the said county. These are, in her Majesty’s name, to command you; and every of you the said officers, forthwith safely to convey and deliver into the custody of the said keeper the body of Joseph Richards, late of Worthington, in the said county, collier, being convicted before me, William Wootten Abney, Esq., one of her Majesty’s Justices of the Peace in and for the said county, upon the evidence on oath of Mr. Benjamin Walker, of Coleorton, in the said county, for that he, the said Joseph Richards, did contract with the said Benjamin Walker to serve him in the capacity of a collier for an indefinite period, determinable, nevertheless, on either of the said contracting parties giving to the other fourteen days’ previous notice of his intention to determine the said contract; and that the said Joseph Richards did enter into the service of the said Benjamin Walker, and did continue to serve him the said Benjamin Walker, and

to be employed by him as a collier, under and according to the said contract, at the township of Worthington, in the said county of Leicester, so being then and there in the service of him the said Benjamin Walker, as collier, until the 4th day of April instant; and the term of the said contract being then subsisting and incomplete, he, the said Joseph Richards, did misconduct and misdeemean himself in the said service, to wit, did neglect his work, and refuse to go to it on being requested by the said Benjamin Walker so to do, whereby divers other persons employed in the same pit were prevented from proceeding with their ordinary employment, and the said Benjamin Walker sustained great damage and loss, contrary to the form of the statute in such case made and provided; for which said offence, I, the said Justice, have ordered and adjudged the said Joseph Richards to be imprisoned in the said house of correction in Leicester, in and for the said county, and there to be kept to hard labour for the space of three months; and you, the said keeper, are hereby required to receive the said Joseph Richards into your said prison, and him safely there to keep for the aforesaid term of three months, and during that time to be kept to hard labour; and for your so doing this shall be to you and every of you a sufficient warrant. Given under my hand and seal at Sweptone, in the said county of Leicester, this 8th day of April A.D. 1844.

“William Wootten Abney (L.s.)”

The return then set out three other warrants in precisely the same terms as the preceding, for the commitment of John Bird, James Walker, and William Bird respectively; the four persons named in the last four warrants being the same persons as those named in the first two warrants.

Bodkin, Fry, and Huddleston now moved to discharge all the prisoners.—It will be said, that these latter warrants recite former convictions, and are not convicting instruments, and that the case is, therefore, distinguishable from *In the matter of Tordoff*(1); but if that be so, then the former warrants, under the authority of which the prisoners were sent to gaol, and which, in

fact, were sent with the prisoners, are the convictions, the date, name, and offence being the same; and, according to the former case, the Court will not allow a bad conviction to operate as a good warrant. It was, no doubt, the intention of the Magistrate to substitute a formal warrant for an informal one; but in order to do this effectually, the first warrant should have been altogether withdrawn, and it should have been shewn that his intention really was to substitute the one for the other—*In the matter of Elmy and Sawyer* (2), *Rogers v. Jones* (3). Besides, if the commitment took place on the 8th of April, and was for three months, and the subsequent warrants, though dated the 8th of April, are not delivered till the 15th, and are also to detain the prisoners for three months, without saying that such imprisonment is to be calculated from the date of the warrant,—if so, it would operate from the delivery, and would authorize the detention of the prisoners for three months after they had been seven days in prison, the period of three months being the longest term of imprisonment given by the statute. Lastly, even the last warrants are bad; for it does not appear that the offence was committed at a place in which the Justices had jurisdiction. Nor does it appear that the nature of the service was such as to bring the case within the act of parliament—*Lancaster v. Greaves* (4).

Whitehurst, contra.—The offence is sufficiently laid within the jurisdiction of the Magistrate, who is described as acting in and for the county, and it cannot be pretended that the information does not disclose an offence within the act of parliament. Then, as to the first objection: in *Elmy and Sawyer's case*, a power of amendment was given by the same statute which gave the power to commit, and it was not shewn that the amendment was made in pursuance of the statute. It is a fallacy to suppose that the Court will assume that the first warrant was the conviction on which the latter warrant was founded. That is not so; on the contrary, a conviction may, if necessary, be drawn up at any time to support the warrant.

(2) 1 Ad. & El. 843; s. c. 3 Law J. Rep. (N.S.) K.B. 199.

(3) 3 B. & C. 409; s. c. 3 Law J. Rep. K.B. 40.

(4) 9 Ibid. 628; s. c. 7 Law J. Rep. M.C. 116.

(1) *Ante*, p. 145.

LORD DENMAN, C.J.—We think you are right upon that point; if the latter warrants are good, the Court will not look at the former documents.

PATTESON, J.—The act of parliament does not require any conviction in this case.

Prisoners remanded.

1844. { THE QUEEN v. JOHN HINDE, CORONER FOR THE COUNTY OF KENT,
May 1. { in re WEBSTER, NOWLAND AND BYRNE.

Coroner — Inquisition — Jurisdiction — Stat. 6 & 7 Vict. c. 12.

The coroner for the city of Rochester held an inquisition on a body, which met with death in the River Medway, such body having been brought to a spot above high-water mark, sworn to be within the county of Kent, and there viewed by a jury of the city of Rochester:—Held, that the inquisition was bad.

On a former day, three several rules had been obtained, calling on James Lewis, Esq., the coroner for the city of Rochester, to shew cause why three several writs of inquisition, brought up by *certiorari*, should not be quashed. The first of the inquisitions was as follows:—

“City of Rochester, in the county of Kent, to wit.—An inquisition, indented, taken for our sovereign Lady the Queen, at the Nag’s Head, in the parish of Stoke, in the county of Kent, on the 4th day of December, in the seventh year, &c., before James Lewis, gentleman, coroner of our said Lady the Queen for the said city, on view of the body of John Webster, late of Greenwich, in the said county, fisherman, now lying dead in the said parish of Stoke, in the said county, upon the oath of, &c., good and lawful men of the said city, duly chosen, and who being now here duly sworn and charged to inquire, &c., do upon their oaths say that the said John Webster, on the 30th day of November, in the year aforesaid, at the parish aforesaid, in the city aforesaid, in the county aforesaid, in Cold Mouth Creek, in the River Medway, there by the visitation of God, in a natural way, did die. In witness,” &c.

The second inquisition was headed as the former, and purported to be taken “at the house of John Bathurst, called the Nag’s Head, in the parish of St. Margaret, in the city aforesaid, in the county aforesaid, on, &c., before, &c., on the body of Patrick Nowland, late a private in the 3rd regiment, now lying dead in the parish of Chatham, in the said county, upon the oath of, &c., good and lawful men of the said city, duly &c., and who being now duly sworn, &c., to inquire, &c., do, upon their oath, say that the said P. N. on the 22nd day of December, in the year aforesaid, at that part of the parish of Chatham aforesaid, which lies within the city aforesaid, in the county aforesaid, on the shore or bed of the River Medway, there below high-water mark was found dead, and that the said P. N. had a severe wound on his forehead left temple, apparently occasioned by a fall from a stage or platform, running into the said River Medway, on to the shore or bed of the said River Medway, at the said part of the parish aforesaid; and that the said P. N. had been for some time under the waters of the said River Medway, within the said part of the parish aforesaid, in the city aforesaid, by one or both of which before-mentioned causes the said P. N. came by his death. In witness,” &c.

The third inquisition was, “on view of the body of Edward Byrne, now lying dead at the parish of Chatham, in the said county, upon the oath, &c., who being duly sworn, &c., do, upon their oath, say, that the said E. B., on the 11th day of December, A.D. 1843, at the parish aforesaid, in the city aforesaid, in the county aforesaid, in the River Medway, there was found, suffocated and drowned, but how or by what means he came to his death, no evidence thereof does appear to the said jurors. In witness,” &c.

It appeared by the affidavits that the bodies were in each instance picked out of the Medway and brought some yards above high-water mark (but not within the limits of the city or borough of Rochester), for the purpose of being viewed by the jury; that the jury were taken by Mr. Lewis, the coroner for the city and borough of Rochester, from that city, and that the body was viewed by the jury at the spot to which it was so brought, such spot being sworn to be within the county of Kent.

The coroner for the county of Kent was in each instance the prosecutor of the *certiorari*.

Platt and *Bodkin* shewed cause.—The body is viewed by a jury of the city of Rochester, and the deceased is found to have died in the River Medway. Before the act, 6 & 7 Vict. c. 12, the coroner for the county could not hold inquisitions on such bodies, where brought on shore, as the death did not happen within his jurisdiction; by the preamble of that act, it would appear that the attention of the legislature was directed to cases where the cause of death happened in one place and the death in another. Here it is doubtful whether the act in question applies, as the death in each instance took place within the jurisdiction of the Admiralty, and the coroner for the city of Rochester has always been in the habit of holding inquisitions on bodies found dead in the River Medway, the jury who have viewed the body being a jury of the city.

[*PATTESON, J.*—In 2 *Hale, P.C.* 66, cited in the judgment in *The Queen v. the Great Western Railway Company* (1), it is said, "In ancient times, if a man were hurt in the county of A, and died in the county of B, the coroner for the county of B. could not take an inquisition of his death, because the stroke was not given in that county; nor could the coroner for the county of A. take an inquisition, because the body was in the county of B, but they used to remove the body into the county of A, for the coroner for that county there to take the inquisition."]

[*COLERIDGE, J.*—You do not contend that the place where the body was first brought to land was within the jurisdiction of the city of Rochester. How do you get over the express words of the act of parliament?]

Suppose a dead body first brought to land within the city of Rochester, and afterwards carried into the county of Kent, as in the case of its being taken to the hospital, which is in the county.

[*PATTESON, J.*—Then it must be brought back to the city, for the purpose of the inquest.]

Jervis, in support of the rule, was not called upon.

Per Curiam—

Rule absolute for quashing the inquisitions.

1844. } THE QUEEN v. THE INHABITANTS OF STOKE BLISS.
June 5. }

Sessions—Jurisdiction—Appeal, Entry of—Costs—Order.

Though the stat. 8 & 9 Will. 3. c. 30. s. 3. empowers Justices at sessions to order the payment of costs by parties who have given notice of appeal, yet where notice of appeal against an order of removal was sent, and the appeal was afterwards countermanded, and the appeal being entered by the respondents, the Sessions, by their order, confirmed the order of removal, and also directed the payment by the appellants of the respondents' "costs and charges of attending the sessions to support their said order,"—Held, that the order of confirmation being bad, the order as to costs, being ancillary to the order of confirmation, was bad also.

At a General Quarter Sessions of the Peace, holden at Stafford, the 2nd of January 1844, the following order was made, confirming an order of two Justices, for the removal of Ann Wall and her illegitimate child from the parish of Kingswinford, in the county of Stafford, to the parish of Stoke Bliss, in the county of Hereford:—
"Upon motion of counsel for the churchwardens and overseers of the poor of the parish of Kingswinford, in the county of Stafford, and upon proof of notice of appeal, &c., and no one appearing on behalf of the appellants, to prosecute their appeal, it is ordered that the said order made by the said Justices be and the same is hereby confirmed; and it is further ordered that the churchwardens and overseers of the parish of Stoke Bliss do and shall forthwith pay to the churchwardens and overseers of the poor of the parish of Kingswinford, the sum of 15*l.* 10*s.*, for costs and charges, which they have incurred, and been put unto in attending the court this day, to support their said order."

(1) 3 Q.B. Rep. 338; s. c. 11 Law J. Rep. (N.S.) M.C. 86.

In Easter term, a rule nisi was obtained, calling on the respondents to shew cause why the said order should not be quashed for the insufficiency thereof, and the following facts appeared on the affidavits:—The order of removal was served on the 17th of October 1843, notice and grounds of appeal were served in time for the Epiphany sessions 1844; on the first day of the sessions (Tuesday, January 2), the respondents received a letter from the attorney, for the appellants, inclosing a copy of a notice of countermand of the appeal, and stating that the delay had arisen in consequence of the absence of a material witness, and that if any removal took place they should give fresh grounds of appeal, as the paupers belonged to a third parish, which fully appeared from the grounds of appeal as already sent. The practice of the Staffordshire sessions is, that notice of countermand of any appeal must be given not later than the Monday before the sessions; and if given later, the appellants are in such case liable by the practice of the court to pay costs to the respondents for their failure to try the appeal. On the third day of the sessions, the 4th of January, the respondents, having entered the appeal, applied for the costs incurred in preparing to try the appeal and incident thereto, and upon due proof of notice and grounds of appeal, and notice of countermand, the Sessions made the above-mentioned order.

Whitmore and *Allen* shewed cause.—The order as to the costs is good. The power of the Sessions to grant costs to respondent parishes is given by stat. 8 & 9 Will. 3. c. 30. s. 3 (1). In this case a notice of appeal had been given and was proved at the sessions, though the appeal was not pro-

(1) Which empowers Justices at quarter sessions, "upon any appeal before them, there to be had, for or concerning the settlement of any poor person, or upon any proof before them, there to be made, of notice of any such appeal to have been given by the proper officer to the churchwardens or overseers of the poor of any parish or place, though they did not afterwards prosecute such appeal, shall at the same quarter sessions award and order, to the party for whom and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given as aforesaid, such costs and charges in the law as by the said Justices in their discretion shall be thought most reasonable and just, to be paid by the churchwardens, overseers of the poor, or any other person against whom such appeal shall be determined, or by the person who did give such notice as aforesaid."

secuted. It is true that it was not competent to the respondents to enter the appeal, and therefore the Justices at sessions had no power to confirm the order; yet they had jurisdiction to give the costs, and the respondents were fairly entitled to them.

Cooke, contra.—The respondents had no right to appear at the January sessions; no appeal was entered, and there are, since the stat. 3 & 4 Will. 4. c. 76, two periods for appealing, one when the order of removal is received, and one when the actual removal takes place.

[*PATTESON*, J.—But not two appeals. Suppose you do not choose to appeal after the actual removal?]

Then probably the stat. 8 & 9 Will. 3. c. 30. would give the respondents a right to costs, but that statute does not tie the appellants down to any particular session.

[*COLERIDGE*, J.—The order is quite independent of the ultimate result of the appeal.]

Then, secondly, if so much of the order of Sessions, as confirms the order of Justices, is bad, which is admitted, then that part which gives costs to respondents "for attending to support their order," cannot stand.

LORD DENMAN, C.J.—The appellant parish in this case give a notice of appeal, which they afterwards countermand, at the same time telling the respondents that they mean to resist the order. The order is afterwards confirmed on the entry of the appeal by the respondents, and it is contended, that notice of appeal having been given, the statute 8 & 9 Will. 3. c. 30. gives the Sessions power to award costs as against the parish giving such notice, though they had no power to confirm the order of removal. It seems to me that if the order was made in the alternative contemplated by the statute, it might be good; but it also seems clear that the Sessions in this case intended to confirm the order, and to give the costs of confirmation. Now they had no power to confirm the order, and such confirmation, therefore, falls to the ground; and if so, that part which relates to costs, being ancillary to the confirmation, cannot stand.

PATTESON, J.—The order is attempted to be supported in respect of the costs only; but we must look at the entire judgment

to which the costs are incidental. I am far from saying that if the order had been confined to giving the respondents the costs of the day, it might not have been supported, as it does not appear to me that the effect of the new Poor Law Act would be to introduce any new practice in that respect.

WILLIAMS, J.—It cannot be said that the respondents were not entitled to some costs, but I, for one, am not sorry to decide on the documents which are laid before us, without referring to the affidavits, and I cannot but see that this is an order for confirmation of an order of removal, and must be so taken. As to the costs, the order is to compensate for expenses incurred in respect of the order of removal; the order as to the costs then is made to depend on the confirmation, and falls together with it.

COLERIDGE, J.—I am of the same opinion. I do not say that this was not the right time for making a proper application for costs; or that such an order might not be, under certain circumstances, severable; but in this case, in the form in which the order is drawn, I do not see how the latter part could stand alone. If so, one part is not separable from the other. The question is one of construction, and we must take the whole document together. It appears to me that the Sessions have thought that they had jurisdiction to confirm the order, and having accordingly confirmed it, they have proceeded to give costs, as ancillary to the judgment of confirmation; and as the confirmation cannot be supported, the order is bad altogether.

Rule absolute for quashing the order of Sessions.

[IN THE COURT OF COMMON PLEAS.]

1844. } PETERS AND ANOTHER v. CLAR-
June 3. } SON AND ANOTHER.*

Highway—Surveyor—5 & 6 Will. 4. c. 50
—Trespass—Jurisdiction.

Trespass does not lie against a surveyor of highways, for entering lands and cutting drains under the powers of the Highway Act, without tendering amends for the injury done. The Justices, at special sessions, are the only persons to ascertain and settle the amount of damages to be paid.

* Reported by H. S. Selfe, Esq.

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And the surveyor is not bound to have the amount of damages ascertained within twenty-one days of his committing the injury.

Trespass quare clausum fregit.

Plea—Not guilty, by statute.

At the trial, before Tindal, C.J., at the last Spring Assizes for the county of Warwick, it appeared that the defendants, who were the surveyors of the district, had on the 24th of March 1843, entered the close of the plaintiffs, which adjoined the highway, and had opened a drain therein, for the purpose of carrying off the water from the highway. Notice of action was given on the 8th of April 1843. No evidence was given whether any special sessions had intervened between the 24th of March and the commencement of the action. No satisfaction or tender of satisfaction to the plaintiffs for the damage done was proved. Upon these facts, the Lord Chief Justice directed a verdict for the defendants, leave being reserved to the plaintiffs to move to enter a verdict with 40s. damages, if the Court should be of opinion, that the defendants were not justified, under the general Highway Act, 5 & 6 Will. 4. c. 50.

A rule nisi was obtained accordingly in Easter term last, by—

Channell, Serj., against which,—

Adams, Serj. (Hayes with him,) now shewed cause.—By the 45th section of the 5 & 6 Will. 4. c. 50, the Justices of the Peace, within their respective divisions, are required to hold not less than eight nor more than twelve special sessions, in every year, for the purposes of the act. By sections 54. and 67. of the same act, it is provided, that the damages for injury done by the surveyors acting under the act, shall be settled and ascertained by order of the Justices at a special sessions for the highways. And it was held in *Boyfield v. Porter* (1), which was decided upon corresponding sections of the old Highway Act, 13 Geo. 3. c. 78. ss. 27. & 29, that there is no other mode of ascertaining what the amends are to be except by going before the special sessions. Here, the injury alleged was done under the act. But it did not appear in this case, that any special sessions were held between the 24th of

(1) 13 East, 200.

X

March and the commencement of the action. It was impossible, therefore, to ascertain what the damage was; and, consequently, impossible to tender it. Further, it was for the plaintiffs, who complain of damage done to their lands, to go before the Justices, in order to have the amount ascertained. The surveyors are not bound to make the inquiry; for *non constat* that cutting a drain was an injury to the plaintiffs. Even, however, if it was the duty of the defendants to go to the sessions for the purpose, there was no laches on their part, for they never had the opportunity of so doing. And even assuming that the defendants had an opportunity of going to the sessions, and failed to do so, this does not make them trespassers. The Highway Act gives them a licence to enter the land and make the drain, and a mere non-feazance subsequently cannot make them trespassers *ab initio*. There is no limitation in the act as to the time when the Sessions are to decide the amount of injury done.

Manning, Serj. (Mellor with him,) contra.—It is true, that in *Boyfield v. Porter* the Court held, under the old Highway Act, that the jury, at the trial, could not decide the amount of the damage done, or the sufficiency of the amends tendered. This was a hardship on persons whose lands had been taken by surveyors; and, therefore, under the new Highway Act, different words are introduced; the 67th section enacting, that surveyors are to “make drains, &c., upon paying,” &c. The word “upon” was not in the section of the former act, on which *Boyfield v. Porter* was decided, and its introduction shews the intention of the legislature, that amends should be tendered at the time the damage is done. It is a condition precedent to the doing of the injury, or at least is concurrent with the entry. But supposing the payment not to be a condition precedent, then the object of the legislature in requiring, in the 109th section, that twenty-one days’ notice of action should be given, could only be to enable the surveyors to go within that time before the Justices, and ascertain the amount of damage to be tendered. They commit what is *prima facie* a trespass; they defend themselves under the statute: it is for them, therefore, who have done the injury, to take the steps to bring themselves within the

protection of the statute. If they fail to do so, they are trespassers *ab initio*, and liable in the present form of action—*Lister v. Lobleigh* (2), and *Paddock v. Forrester* (3), were referred to.

Cur. adv. vult.

TINDAL, C.J.—It appears to me that the proper construction of the 67th section of the general Highway Act, does not make the ascertainment of the damage done, and tender of payment of the sum so ascertained, conditions precedent to the exercise of the powers used by the defendants on the present occasion. The object of the entry by the defendants upon the land of the plaintiffs was to let off the water, which had accumulated upon the highway, and which was a nuisance; and under the 67th section power is given to the surveyor “to make drains, &c. as he shall deem necessary in and through any lands adjoining or lying near to any highway.” Then follow the words “upon paying the owner or occupier of such lands or grounds for the damages which he shall sustain thereby.” Taking it most favourably for the plaintiffs, and stopping at these words, without referring to the words which follow, the *prima facie* interpretation of the section is, that the payment shall be concurrent with the entry for the purpose of making the works. But it is most clear that it would be neither practicable nor possible for the surveyors, before ascertaining what injury has been sustained, to pay for an unknown quantity of damage. And therefore, without looking to the remaining words of the section, or to the 54th section, to which they refer, I should have thought the payment for the damage was necessarily a condition subsequent to the infliction of the injury. But the section does not stop there. It goes on to say, the damages “to be settled and paid in such manner as the damages for getting materials in inclosed lands or grounds are herein directed to be settled and paid:” treating the settlement as one thing, the payment as another, immediate or not, just as the Magistrates shall order. Now, the words of the 54th section are “making such satisfaction for the materials which may be got

(2) 7 Ad. & El. 124; s. c. 6 Law J. Rep. (n.s.) K.B. 200.

(3) 3 Scott, N.R. 715; s. c. 11 Law J. Rep. (n.s.) C.P. 107.

or taken away, and also for the damage done to such lands, &c. as shall be settled and ascertained by order of the Justices at a special session for the highways." I cannot see any material distinction between the words of the 67th section "upon paying for the damages which he shall sustain thereby," and those used in the 54th section "making such satisfaction for the damage done to such lands." Now, the case of *Boyfield v. Porter*, which was decided on the act of 13 Geo. 3. c. 78, shews, that the Justices form the only tribunal to judge of the amount of injury sustained. The Court, in *Boyfield v. Porter*, held, that it was unnecessary to shew whether the amends offered were or were not sufficient to compensate for the damage done, because the jury could not try that question, which the act of Geo. 3. in terms directed should be left entirely to the Justices in petty sessions. The only question therefore, is, whether there is any material difference between the old Highway Act, the 13 Geo. 3. c. 78. ss. 27. & 29, and the corresponding sections of the present general Highway Act, 5 & 6 Will. 4. c. 50. If we look at the words of those sections, the language seems to be substantially the same in both acts. Except that in the former act, there was interposed a power of an immediate agreement with the party injured, the power of settling the damage done is the same in both acts. The case of *Boyfield v. Porter* therefore must decide the present case. It has been also said, that even if the payment for the damage sustained be a condition subsequent, at all events the defendants ought to have ascertained the amount, and paid it before action brought. But I see nothing in the act to limit the time for the ascertainment of the damage. It may be done this very day; or the plaintiffs may now make application to the Justices at the next special sessions for the highways.

COLTMAN, J.—I am of the same opinion. I think the payment not a condition precedent to the inflicting of the damage. It is true the 29th section of the 13 Geo. 3. c. 78. says, "the said surveyor making such satisfaction," &c., and the 67th section of the 5 & 6 Will. 4. c. 50. is "upon paying for the damages," &c. And, undoubtedly, the word "upon" has at first the appearance of making the payment a condition precedent. But the decision in *Boyfield v. Porter* is so consistent with reason and the necessities of

the case, that I should require far more evidence of the intention of the legislature to make the payment by the surveyors a condition precedent to the power they have of entering lands under the 5 & 6 Will. 4, than I can see used in that act, before I could so hold. Then it is said, that the defendants were bound to go before the Justices to ascertain the damage done by them. This argument is rested on the 109th section of the act, and it is contended, that the defendants are not protected in this action of trespass, unless they tendered sufficient satisfaction before action brought. But, I think, this is not the proper construction of the statute. There are cases, undoubtedly, in which satisfaction must be tendered. Those are, where a party, believing himself to be acting within the act, has not properly pursued its powers and provisions; but here the defendants acted strictly within the act; and in such a case, I think it unnecessary they should tender amends. To hold that they were bound to do so would involve this absurdity, that they would be bound by law to do that which they had not the power to do, for there might be no special sessions held within twenty-one days, at the expiration of which the action might be brought. It is unnecessary to decide, whether the surveyors or the party complaining of injury is bound to originate the inquiry before the Justices.

CRESSWELL, J. concurred.

Rule discharged.

1844. }
June 5. } THE QUEEN v. ROSE.

Rate—Highway Rate—Woods, Rateability of—Meaning of Words "usually rated" in 5 & 6 Will. 4. c. 50. s. 27.

The words "usually rated" to the highways in 5 & 6 Will. 4. c. 50. s. 27, must be construed to mean such as have been usually actually rated in the parish for which the rate is made.

And the Sessions are right in inquiring only whether such woods were usually rated, in point of fact, at the time of the passing of that statute, and not whether such woods were "rateable," or whether they were usually rated in other parishes.

On appeal by H. P. Powys against a rate made by Thomas Rose, surveyor of the highways in the parish of Whitchurch, in the counties of Oxford and Berks, dated 10th of November 1843, wherein he was rated (*inter alia*) for "woodland 48l." the Sessions amended the rate by striking out the above item, subject to the opinion of this court on the following

CASE.

The appellant from the year 1838, up to and at the time of the making of the rate appealed against, was the occupier of certain timber woods within the parish of Whitchurch, the same not being saleable underwood within the intent and meaning of the act of the 43rd Eliz., and being property which at the time of the passing of the 5 & 6 Will. 4. c. 50, and also at the time of the making of the said rate was not liable to be rated and assessed to the relief of the poor. From the year 1809, down to and including the year in which the said act of 5 & 6 Will. 4. c. 50. was passed, the said timber woods had not been rated to the highways of the said parish of Whitchurch. Since the passing of that statute the appellant, as surveyor of the highways under the last-mentioned statute for the year 1840, rated himself in respect of the said timber woods, and paid such rate. Timber woods of a similar description to those occupied by the appellant have always been rated to the repairs of the highways in the majority of the parishes in the county and neighbourhood, but in some they have not been so rated since the year 1809. It was admitted, that if the appellant was rateable in respect of the woods in question the amount of the rate was fair, and the only question between the appellant and respondent was, whether the appellant was rateable in respect of such timber woods. If the Court should be of opinion that the appellant was so rateable, the order of Sessions was to be quashed. If the Court should be of opinion that the appellant was not so rateable, then the order of Sessions to be confirmed.

Walesby, in support of the order of Sessions.—The Sessions find expressly that these woods have not been usually rated.

The Court then called on—

Keating and Plaine, contra.—It may be true that the woods in question may not have been usually rated in this particular

parish, but the question is, whether the words "usually rated" in stat. 5 & 6 Will. 4. c. 50. s. 27. (1), have not a more general signification, and it is found by the Sessions that timber woods of this description have been always rated to the highways in the majority of parishes in the county and neighbourhood. By the law as it stood under 13 Geo. 3. c. 78. s. 30, "all occupiers of lands, tenements, woods, tithes, and hereditaments," were rateable to the highways, and the stat. 34 Geo. 3. c. 74. s. 4. regulates the proportion of statute labour to be performed by occupiers of the same description of property, and it cannot be said that any local practice is to controul the general words of an act of parliament. These words, therefore, must have been rateable at the time of the passing of 5 & 6 Will. 4. c. 30. If so, does the 27th section of that act exempt them? The 33rd section gives an exemption in respect of property, the owner or occupier of which had, previous to the passing of the act, been legally exempt from the performance of statute duty, but it is not found as a fact that the appellant was so exempt, nor does he dispute the rate on that ground; and this rate has been, in fact, persevered in down to the year 1840, the statute in question having passed in 1835. The fact of their not having been rated from 1809 to 1835, can be accounted for by referring to a case of *Aubrey v. Fisher* (2), but that case turned upon the rateability of such woods as saleable underwoods.

[PATTESON, J.—The very words of the statute seem to contemplate that *some* woods are not rateable.]

[COLERIDGE, J.—Your argument assumes that "rateable" and "rated" must necessarily mean the same thing.]

The word "rated" must refer to statute duty, from which no description of wood was exempt before the passing of 5 & 6 Will. 4. c. 50.

[PATTESON, J.—Suppose all the woods in a given parish were rateable before the

(1) Which enacts, "that a rate (for the purposes of the act) shall be made, assessed, and levied by the surveyor upon all the property now liable to be rated and assessed to the relief of the poor; provided that the same rate shall also extend to such woods, mines, and quarries of stone, or other hereditaments as have been heretofore usually rated to the highways."

(2) 10 East, 446.

act, and new woods planted after it passed, would they be rateable?]

[LORD DENMAN, C. J.—The Sessions have found the fact of rating as to these particular woods.]

Walesby, contra.—The term “rated” is not synonymous with “rateable.” The plain words of the statute must be adhered to, and there is no inconsistency in the construction contended for by the respondents.—(He was then stopped.)

LORD DENMAN, C.J.—We are called upon to put a construction on the 27th section of 5 & 6 Will. 4. c. 50, and that it is not possible to do satisfactorily. The difficulty is, that that section seems to assume that some particular woods were not rated to the highways at the time the act passed, whereas all woods were then by law rateable to the highways. I do not see what we can do in such a case, but to take the words in their ordinary sense, and say that “rated” must mean actually rated, and that, in the particular parish; and the fact that these woods were not rated at the time the act passed, has been found by the Sessions. This is a construction that the words of the statute will bear, though it is not very satisfactory to come to such a conclusion.

PATTESON, J.—I am also of opinion that by the word “rated” must be understood actually rated, though it may be difficult to say what was the exact meaning of the legislature. At all events, here we have the fact found, that since the year 1809, no rate to the highways has been made on these woods.

WILLIAMS, J.—We can only adopt Mr. Keating’s construction, by holding the word “rated” to mean “rateable.” We must, however, adhere to the words of the statute, and the question becomes one of fact which the Sessions have found.

COLERIDGE, J.—I agree, but not without doubt. It is difficult to say what construction to put on a modern act of parliament so full of words as this is. It seems to me that we are safe in adopting a literal construction, and the rule we lay down is certainly the most easy of application.

Order of Sessions confirmed.

1844. } THE QUEEN v. CLARKE AND
June 26. } ANOTHER.

Bastard—Order of Affiliation—Jurisdiction—Sureties, Tender of—Waiver of Objection.

Where the putative father of a bastard child, being served with a notice of an application at petty sessions for an order on him to reimburse the guardians for the maintenance and support of the child, attended at the sessions, and procured an adjournment of the case; and afterwards, at the subsequent petty sessions, applied to have the case heard at the Quarter Sessions, and tendered sureties, but the Justices having decided on proceeding with the case, he cross-examined the witnesses, and made his defence:—Held, that though the Justices might have been wrong in proceeding with the case, the party had waived the objection to the jurisdiction by what he had done.

A rule nisi had been obtained, calling on the Rev. J. Clarke and the Rev. W. P. Thomas, clerks, Justices of the Peace of the county of Somerset, to shew cause why a writ of *certiorari* should not issue, to remove into this court a certain order or judgment, and other proceedings made and taken by and before them at a petty session, held January 4, 1844, at Wellington, in and for the said county, on the application of the guardians of the Wellington union, for an order on H. B. Bellett, as the putative father of a bastard child, born of Sarah Twose, single woman, to reimburse the said union for the maintenance and support of the said child. It appeared from the affidavits, that Bellett having been duly served with a notice of the intended application by the guardians, attended at the petty sessions on the 7th of December, when in consequence of the absence of Bellett’s attorney, it was agreed, that the case should be postponed, and it was accordingly postponed to the next petty sessions, held on the 10th of January. On that day Bellett attended, and tendered two sureties, in conformity with 2 & 3 Vict. c. 85. s. 3, and stated that he was desirous that the case should be heard at the next Quarter Sessions. The Justices, however, decided that the hearing was to be proceeded with before them, on the ground that it had already been entered upon when

the hearing was adjourned; and evidence having been accordingly given by the guardians, Bellett cross-examined the witnesses, and addressed the Court in answer to the charge, and the Justices ultimately made the order.

Godson and Pashley now shewed cause.—The statute 2 & 3 Vict. c. 85. s. 3, provides, that “if the party charged shall declare to the Justices in petty session, that he is desirous that the charge shall be heard at the Quarter Sessions of the Peace then next, and shall then and there enter into a recognizance with two sufficient sureties, &c., then the Justices shall not proceed further to hear the charge.” The jurisdiction of the Justices in petty sessions, therefore, is not ousted until the recognizance is entered into, which was not done in this case.

[COLERIDGE, J.—But suppose the Justices refuse to take the recognizance?]

Then the party should get a mandamus.

[PATTESON, J.—Would not the tender of the recognizance take away the jurisdiction?]

At all events, the party has waived the objection, by proceeding with the case—*Brunskill v. Giles* (1), *Farwig v. Cockerton* (2), *Cooze v. Neumegen* (3), *The Queen v. the Justices of Cheshire* (4). Here, the party, finding the decision against him, lies by for three months, so as to prevent a fresh order being made, and then applies for a *certiorari*.

Carrow, contra.—What was the situation of the party after the adjournment? He had clearly a right to claim to be heard at the Quarter Sessions. If so, he is still in the same situation. The admission or proof of the notice was not such a hearing as to prevent the jurisdiction of the Justices being taken away by an application for a removal—*The King v. Lord Hastings* (5). It is not contended, that if there had been anything amounting to a hearing, the application for

a removal was in time; but the conduct of the party, when he found the Justices determined to hear the case, in doing all in his power to prevent the order being made will not prejudice him—*Lawrence v. Willcock* (6), and *Lesmore v. Beadle* (7).

LORD DENMAN, C.J.—It appears to me, that this party cannot now say that the petty sessions had not jurisdiction over this matter. He first applies for an adjournment, and then he comes and tenders a recognizance. If he had come away when the recognizance was refused, and the Magistrates had proceeded with the case, the question would have been different; but he does go on with the case. I think he has waived the objection by what he has done.

PATTESON, J.—I think this rule should be discharged, on the ground that the objection was waived.

COLERIDGE, J.—I think this was a clear waiver of the objection. The cases of *Lawrence v. Willcock* and *Lesmore v. Beadle* are distinguishable. There, the objection was altogether wanting. Here, it was competent to the party to review the jurisdiction, by consenting to have the case proceeded with.

Rule discharged.

1844. } THE QUEEN v. THE INHABITANTS OF MERIONETHSHIRE.
June 26. }

Bridge—Costs—Indictment—Statute.

Though the statute 5 & 6 Will. 4. c. 50. does not empower a Judge to certify for costs in the case of a county bridge, and although it repeals in terms the stat. 13 Geo. 3. c. 78, which gave a power of certifying for costs in the case of highways, yet the 43 Geo. 3. c. 59, having extended to county bridges all the provisions of that act as to penalties, forfeitures, and other matters,—Held, that, under the 43 Geo. 3. c. 59, the power to certify for costs in the case of a county bridge was kept alive.

(6) 11 Ad. & El. 941; s.c. 9 Law J. Rep. (N.S.) Q.B. 284.

(7) 1 Dowl. P.C. N.S. 566.

(1) 9 Bing. 13; a.c. 1 Law J. Rep. (N.S.) C.P. 143.

(2) 8 Mee. & Wels. 169; a.c. 7 Law J. Rep. (N.S.) Exch. 57.

(3) 9 Ibid. 290; a.c. 11 Law J. Rep. (N.S.) Exch. 97.

(4) 8 Ad. & El. 826; a.c. 8 Law J. Rep. (N.S.) M.C. 1.

(5) *Ante*, p. 111.

Indictment against the defendants, at the Quarter Sessions for the county of Merioneth, for not repairing a common and public bridge, called Pont Cleifion, situate and being in the parish of Mallwyd, in the said county, being a common highway for all, &c.

Plea, by the inhabitants of the county, except the hundred of Mawddwy hereinafter mentioned, that the county of Merioneth, from time immemorial, has been divided into divers, to wit, six hundreds, called, &c., (the hundred of Mawddwy being one), and that the inhabitants of the hundred of Mawddwy have from time whereof, &c., been used and accustomed to repair and amend, and still of right ought to repair and amend the several bridges situate, lying, and being in the said hundred, independently of the inhabitants of the other hundreds of the said county; and that the said bridge is situate and lies within the said hundred of Mawddwy, and that the inhabitants of the said county ought not to be charged, &c. Verification.

Replication, that the inhabitants of the hundred of Mawddwy from time whereof, &c., have not been used and accustomed to repair, &c.

The indictment, having been removed into this court by *certiorari*, was tried before Gurney, B. at the Merionethshire Summer Assizes 1843, and the defendants were found guilty.

Costs were applied for on the part of the Crown, under 5 & 6 Will. 4. c. 50. s. 98 (1), and the learned Judge, being of opinion that the defence was frivolous, made a certificate under the above statute, ordering the inhabitants of the county of Merionethshire to pay costs to the prosecutor.

(1) Which enacts, "that it shall and may be lawful for the Court before whom any indictment shall be preferred for not repairing highways, to award costs to the prosecutor, to be paid by the person so indicted, if it shall appear to the said Court that the defence made to such indictment was frivolous or vexatious."

Sect. 5. provides, that in the construction of the act the word "highways" shall be understood to mean all roads and bridges not being county bridges.

Sect. 1. repeals the 13 Geo. 3. c. 78.

A rule *nisi* having been obtained for setting aside the certificate,—

Welsby now shewed cause.—The certificate cannot be supported under the 5 & 6 Will. 4. c. 50, which, by sect. 5, is applied to bridges (not being county bridges); yet it is good under the 43 Geo. 3. c. 59. s. 1. (2) That section must be considered as incorporating in the statute the 13 Geo. 3. c. 78. s. 64, which gives a similar power as to costs—*The Queen v. Pembridge* (3), *The Queen v. Preston* (4).

Godson and Hodges, contra.—The 13 Geo. 3. c. 78. was the general Highway Act, and that is expressly repealed by the 5 & 6 Will. 4. c. 50. The certificate was granted under the 5 & 6 Will. 4. c. 50, which, it is admitted, does not apply to the case. The 13 Geo. 3. c. 78. being repealed, the 43 Geo. 3. c. 59. is the only act which applies to the case. The effect of the repeal of 13 Geo. 3. c. 78. must be, to repeal all such portions of it as are referred to in other acts; besides, if any part of 13 Geo. 3. was kept alive at all, it only operates with reference to the improved and widened bridges mentioned in the act, but there is nothing to shew that this was such a bridge. Besides the order made by the Magistrates to indict (which was the foundation of the whole proceeding) was made under 5 & 6 Will. 4. c. 50. s. 95.

(2) Which enacts, "that the several powers and authorities vested by the 13 Geo. 3. c. 78, in the surveyor of highways, as well for getting materials as for removing all nuisances and annoyances from bridges and roads, shall be vested in the surveyors of county bridges, and the roads at the ends thereof; and the several penalties, forfeitures, matters and things in the said act contained, relating to highways, shall be, and the same are hereby extended and applied, as far as the same are applicable, to such bridges, and the roads at the ends thereof, as fully and effectually as if the same and every part thereof were herein repeated and re-enacted."

13 Geo. 3. c. 78. s. 64, contained a power for the Judge to make an order for costs in the same terms as those contained in 5 & 6 Will. 4. c. 50. s. 98.

(3) 3 Gale & Dav. 5; s. c. 12 Law J. Rep. (N.S.) Q.B. 47.

(4) 7 Dowl. P.C. 593.

LORD DENMAN, C.J.—There is, no doubt, a difficulty in reconciling these enactments. The Judge acted under the 98th section of 5 & 6 Will. 4. c. 50, and it is clear that that act has repealed the 13 Geo. 3. c. 78, and it is equally clear that that act itself does not apply to county bridges, and it is put as if the act had said that a certificate might be given in the case of all bridges except county bridges. But then there is another act of parliament, namely, the 43 Geo. 3. c. 59, which, after referring to the 13 Geo. 3. c. 78, extends to county bridges all the penalties, forfeitures, matters, and things in the said act contained, relating to highways, as far as the same are applicable to such bridges, as fully and effectually as if the same were therein re-enacted. Supposing, then, that the late act does not apply, does not the 43 Geo. 3. c. 59. keep alive the power of the Judge to certify? I think it must be so: for if the 13 Geo. 3. s. 78. were set out in the 43 Geo. 3. c. 59, instead of being merely referred to, then it is clear that a power of awarding costs against the inhabitants would have been given. The only doubt then is, whether the words “penalties, forfeitures, matters, and things,” are to be considered as including an indictment for not repairing a highway. Now I do not see what can come more properly within that provision than an indictment of this sort, and the defence to it. My opinion then, though not without some doubt, is, that the words of the 43 Geo. 3. c. 59. s. 1. kept alive the power of the Judge to certify, and that the rule must be discharged.

PATTESON, J.—I certainly feel great difficulty in this case. It is clear that the 98th section of 5 & 6 Will. 4. c. 50. does not apply, because the interpretation clause excludes county bridges; but we find an act of parliament, 13 Geo. 3. c. 78, which has a section (sect. 64.) which applies to highways; then comes another act, 43 Geo. 3. c. 59, by which all penalties, forfeitures, matters and things in the former act relating to highways are extended and applied to county bridges, &c., as fully and effectually as if the same were therein repeated and re-enacted. To give a proper sense to these words, it is contended that this act must be read as if the whole of the 13 Geo. 3.

c. 78. were set out in it; if so, *cadit quæstio*, for it is admitted that the 43 Geo. 3. c. 59. is not repealed. But it is said, on the other side, that the act of 43 Geo. 3. c. 59. is not now to be read as if those words were in it, but that they were to have effect so long as the 13 Geo. 3. c. 78. was itself in force, and no longer. Now, I do not think that that can be so, for what meaning would there be given to the words “repeated and re-enacted”? If then the 64th section is considered as repeated and re-enacted, and therefore now in force with respect to county bridges, the Judge was, under it, empowered to certify.

WILLIAMS, J.—It is impossible to give a decided opinion on this case. The only thing that is quite clear is, that the late act has no bearing whatever on the question, for it expressly excludes county bridges from its operation. But a question is made, whether where a particular act of parliament is expressly repealed, it can be treated as virtually kept alive in another act of parliament; that difficulty is met by saying that it is expressly done, and the object must have been to save the trouble of incorporating the words in an act of parliament, already sufficiently lengthy.

COLERIDGE, J.—This is certainly a question of some difficulty, but I think that the more it is considered the more it will appear that our decision is right. If the certificate could be sustained before the passing of 5 & 6 Will. 4. c. 50, it would be so sustained by the united operation of 13 Geo. 3. c. 78. and 43 Geo. 3. c. 59. What has been then the effect of the late act? If the certificate was only sustainable by reason of 13 Geo. 3. c. 78. it is a nullity; but if it is sustainable by reason of 43 Geo. 3. c. 59. it will stand good. If then we are to read the 43 Geo. 3. c. 59. as if certain portions of the former act were actually inserted in it, there will be enough to support the certificate. The words of the act of 43 Geo. 3. are not restricted to certain bridges thereafter to be made; if that had been the case, the question would have been different, but the words are general, relating to all county bridges. We must, therefore, hold the certificate to be good.

Rule discharged.

1844. }
April 29. } IN THE MATTER OF COPESTICK.

Commitment—Stat. 4 Geo. 4. c. 34. s. 2.
—Master and Servant.

It is not sufficient in a commitment under the stat. 4 Geo. 4. c. 34. s. 2. to state that the party committed was the servant of A. B, without shewing the nature of the employment.

A *habeas corpus* having been obtained, directed to the keeper of the house of correction at Derby, for bringing up the body of Edwin Copestick, the following warrant of commitment was returned:—"Derbyshire, to wit. To G. P, the constable and the keeper, &c. Whereas information and complaint hath been made before me, W. W. A, Esq., one of her Majesty's Justices, &c., by J. D, agent of C. Granville, of Swandlincote, in the said county, upon the oath of the said J. D, against Edwin Copestick, late of Swandlincote aforesaid, in the said county, servant to the said C. Granville, that he, the said E. Copestick, hath, in his said service, been guilty of certain misconduct, miscarriage, and misbehaviour towards him the said C. Granville, in that he, the said E. Copestick, did, on, &c., absent himself from the said C. Granville's service, without his consent; and whereas, in pursuance of the statute, &c., I have duly examined, &c., and have adjudged and determined that he, the said E. Copestick, hath been guilty, &c., in that he, the said E. Copestick, did, on &c., absent himself, &c. These are to command you," &c.

Bodkin, Fry, and Huddleston, for the prisoner.—The warrant of commitment is insufficient in not stating that the prisoner was servant in any particular character or capacity, *The Queen v. Lewis* (1); unless it appears that the prisoner was employed in one of the capacities mentioned in 4 Geo. 4. c. 34. s. 2, there is nothing to give the Magistrate jurisdiction—*The King v. Hulecott* (2).

Whitehurst, contra, being called upon, admitted that the commitment was not sustainable.

Prisoner discharged.

(1) *Ante*, p. 46.

(2) 6 Term Rep. 583.

1844. }
May 1. } THE QUEEN v. THE INHABITANTS
OF ST. OLAVE, SOUTHWARK.

Settlement by Rating—Appeal.

It is not enough to state as a ground of appeal, or in an examination, that the pauper had occupied a house and paid one or more of the parochial rates or taxes in respect of such house, without also stating that he was "charged with" such rates or taxes.

On appeal against the order of two Justices removing James Walker from the parish of St. Olave, Southwark, to the parish of St. Mary Magdalen, Bermondsey, both in the county of Surrey, the Sessions quashed the order, subject to the opinion of this Court on the following

CASE.

The examination on which the removal was made, shewed a settlement of the pauper in the appellant parish by renting a tenement: The fourth ground of appeal was, "that the said J. Walker, in or about the month of May 1841, became tenant of and rented of one Mr. Goddard, a house situate, &c. in the parish of A, and occupied the same for seven months, and paid one or more of the parochial rates or taxes in respect of the said house, and thereby gained a settlement in the said parish of A." The respondents, at the hearing, having proved a settlement in the appellant parish, as stated in the examination, the appellants proposed to prove the settlement in the third parish, under the fourth ground of appeal: the respondents, however, objected to the appellants going into such proof, because such ground of appeal was insufficient in not stating that the pauper was even rated to or charged with any parochial rates or taxes. The Sessions, being of opinion that the statement in the fourth ground of appeal was sufficient, quashed the order, subject to the opinion of this Court on the sufficiency of the said fourth ground of appeal.

Wallinger, in support of the order of Sessions.—It is objected that it is not said in the ground of appeal that the party was "charged with" the parochial taxes, as well as that he paid them; but it is stated that he paid the parochial taxes in respect of the house, situate in the parish, of which he is stated to have been the tenant; he must,

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therefore, have been charged with them; it is not necessary that his name should appear in the rate.

[PATTESON, J.—There must be a rating of some person in respect of the house.]

In *St. Mary-le-More v. Heavytree* (1), it seems to have been thought sufficient to rate the house, without stating the name of the occupier. In *The King v. Edgbaston* (2), the question was as to which party was in fact rated. In *The King v. Rainham* (3), it appeared that the pauper, in fact, was not rated at all.

[COLERIDGE, J.—How does it appear that any rate was made during this party's occupation? He might have paid a rate directly after he came.]

That will not be assumed, and it is not contended that any one else was in fact rated.

LORD DENMAN, J.C.—We cannot make any assumption one way or the other: the order must be quashed.

PATTESON, J., WILLIAMS, J., and COLERIDGE, J. concurred.

Montagu Chambers and Corner, contra, were not called upon.

Order of Sessions quashed.

Wallinger also took a preliminary objection to the return to the *certiorari*, on the ground that the writ directed the Justices to return all orders, &c. relating to an appeal by "the inhabitants of St. Mary, Bermondsey," whereas the order of Sessions shewed that the appeal was by "the churchwardens and overseers of St. Mary, Bermondsey." *The Queen v. Colbeck* (4), *The King v. Heddingham Sible* (5), *The Queen v. Barking* (6), *The King v. Plint* (7), *The King v. Newton* (8).

Montagu Chambers, contra.—The Court will not now entertain an objection to the *certiorari*—*The Queen v. Fordham* (9).

Per Curiam.—There is nothing in the objection; the *certiorari* is in the usual form.

BAIL COURT. }

1844.

June 8. }

THE QUEEN v. HARRIS.

Criminal Information—Time of moving for.

The applicant for a criminal information must make his motion either in the term immediately succeeding the time when the circumstances come to his knowledge, or so early in the next term as to afford the defendant a reasonable opportunity to shew cause in that term.

F. V. Lee moved for a criminal information against Mr. Harris, the mayor of Abingdon, upon affidavits which stated that an information was laid before him on the 30th of January last, under the 57 Geo. 3. c. 93, and 7 & 8 Geo. 4. c. 17, charging a person with having extorted from one Westbrook, the complainant, 2s. 3d. for a warrant of distress, 2s. 6d. for an appraisement stamp, and 6d. for an appraisement, when no appraisement had been made and no stamp used. The summons was issued on the 6th of February, and the case was heard on the 13th of that month, when the charge was dismissed, an appraisement on a stamp being produced. It had been subsequently ascertained that Harris, in the interval between the lodging of the information and the hearing, had gone with an attorney's clerk named Godfrey and induced the appraiser to make out the appraisement on a stamp. The complainant had first received the intelligence about the 10th of April, and on the 4th of June he sent copies of the affidavits, on which this motion was made, to Harris. No reason was assigned for this delay.

WIGHTMAN, J.—I have always understood the rule to be, that a party applying for a criminal information must come either in the same term as that in which he obtains intelligence of the matter, or within such a period in the succeeding term that the person against whom the application is made may shew cause against it in that term. Now here the applicant does not come promptly; he

(1) 2 Salk. 478.

(2) 6 Term Rep. 540.

(3) 1 East, 531.

(4) 12 Ad. & El. 142; s. c. 9 Law J. Rep. (N.S.) M.C. 61.

(5) Burr. S.C. 112; s. c. 2 Nol. P.L. 591.

(6) 2 Salk. 452.

(7) 2 Ld. Raym. 820.

(8) Burr. S.C. 157.

(9) 11 Ad. & El. 73; s. c. 9 Law J. Rep. (N.S.) M.C. 3.

was acquainted with the facts in the middle of April, and he might at all events have come on the 5th of June. Without offering any excuse, however, or assigning any reason for the delay, he has permitted one whole term and so much of another to elapse, that it is impossible for the party to shew cause in this term. An accusation of this kind is not to be kept hanging over a man's head the whole of the long vacation. According to the rule of practice, a party making an application like this must either come in the term after he knows of the matter, or within such time in the next term that the accused may be reasonably called upon to shew cause. That rule has not been complied with, and consequently there will be no rule.

Lee therefore—

Took nothing.

BAIL COURT. }
1844. } THE QUEEN v. THE JUSTICES
June 11. } OF FLINTSHIRE.

Mandamus—Order of Removal—Appeal after quashing prior Order—Poor.

An order of removal having been quashed generally by the Sessions, and a fresh order obtained upon appeal against the latter order, the appellants produced the record of the sessions quashing the prior order between them and the respondents. The respondents then tendered evidence to shew that that order had been quashed under a written general consent, on account of a defect in form, which the Sessions refused to hear:—Held, that they were bound to hear the evidence, and that a mandamus might issue to compel them to do so.

An order of two Justices, dated the 2nd of May 1843, having been made for the removal of Harriet Royle, widow, and her three children, from the parish of Cwm, in Flintshire, to the parish of Llangeniew, in Denbighshire, the latter parish gave notice of appeal, and stated the following as one of the grounds:—"That the said order is bad and inoperative, because it was obtained and made after a previous order of removal for the said H. Royle and her children from your said parish of Cwm to our said parish of Llangeniew, dated on or about the

5th of December 1842, and under the hands and seals of H. L. T. and E. L, two of Her Majesty's Justices of the Peace, &c., had been obtained by and on behalf of your said parish of Cwm, and served upon the parish officers of our said parish of Llangeniew, and which said last-mentioned order was duly appealed against by our said parish of Llangeniew, and was by an order of the Court of Quarter Sessions, holden in and for the county of Flint, on, &c., duly quashed upon the said appeal, and which said order of Sessions was obtained on behalf of our said parish, by virtue of a written consent and notice, dated, &c., under the hands of the then churchwardens and overseers of your said parish of Cwm. And neither in the written consent and notice, nor in the said order of Sessions, in any manner is it specified or stated that the said last-mentioned order of removal was to be or was quashed for any defect of form, but the said Court of Quarter Sessions, by virtue of the said written consent and notice, ordered the same to be quashed generally, which said decision was and is conclusive between your said parish of Cwm and the said parish of Llangeniew, as to the settlement of the said H. Royle and her children, unless upon some new ground of settlement or removal, arising since the said order of Sessions was made." When the appeal came on to be heard at the Sessions, the respondents relied upon a settlement obtained prior to the first order of removal, mentioned in the grounds of appeal, and the appellants relied on this ground of appeal as an estoppel. The sessions book was produced thereupon, in which the prior order was stated to have been quashed, and the appellants then tendered evidence to shew that that order was quashed on account of the examination on which it was founded of H. Royle, consisting of hearsay evidence, and consequently merely for want of form. The attorney for the respondents was prepared to prove, that previously to the trial of the former appeal, he called on the attorney for the appellants, and stated, that having discovered the examination to be defective in this respect, the respondents were willing to abandon their order: that a form of abandonment and consent was then drawn up in writing, and it was agreed that the attorney for the appellants should attend

at the sessions, and get the order quashed. The respondents further asserted, that they consented to the order being quashed only on the understanding that it was to be quashed for want of form. The reception of this evidence was objected to by the appellants, and the Sessions held it to be inadmissible, as there was no entry on their record, that the former order was quashed for want of form. The last order was therefore quashed, subject, however, to a case which was drawn up in such a form that the opinion of the Court would not have been final. A rule for a mandamus to enter continuances and hear the appeal having been obtained,—

Hayes shewed cause, but, after stating the facts, referring to *The Queen v. the Justices of Kesteven* (1), he was stopped by Coleridge, J., who called upon—

Townsend to support the rule.—The respondents, in this instance, have pursued the course suggested by this Court, in a variety of cases, of abandoning the former order, when it was discovered to be founded on mere parol testimony, and procuring a fresh one. Then the Sessions were wrong in refusing to admit evidence to shew that the former order was quashed merely for defect of form. According to *The King v. Wheelock* (2), they were bound to receive that evidence, and, having refused to hear it, this Court will compel them to do so by mandamus. *The Queen v. the Justices of Lancashire* (3), and *The Queen v. Perranzabuloe* (4), confirm the ruling in *The King v. Wheelock*, which is directly in point. Had they heard the evidence, and decided on its effect, the case would have been different; and *The Queen v. the Justices of Kesteven* differs from the present case in that respect, inasmuch as there the Court actually heard the appeal. Under those circumstances, this Court would not interfere, since they would be, in effect, deciding on the effect of evidence. That distinction is pointed out in the judgment. The Sessions have not here stated that the explanation was sufficient or insufficient, but simply have refused to hear the case, which they had no right to do.

[COLERIDGE, J. to *Hayes*.—Do you mean to contend that the Sessions were right in refusing to hear evidence to shew the circumstances under which the former order was quashed?]

Hayes.—The evidence tendered was inadmissible, and the Sessions were right. The consent to quash was in writing, and that being the agreement between the parties, it could not be varied by parol evidence, which would have been the case if the term “not on the merits” could be imported. The record, too, of Sessions could not be explained; and no case has gone so far as to say that such evidence could affect it. At all events, the Sessions were the proper judges as to that—*The Queen v. Churchknowle* (5).

[COLERIDGE, J.—This is not like *The Queen v. the Inhabitants of Charlbury and Walcott* (6), in which the Sessions admitted the evidence, but held the defect pointed out to be merits; for they have shut themselves out from hearing anything. You are assuming a state of facts; but the Sessions having heard nothing, know nothing respecting them. Shew me that the Sessions heard the case, and, though wrong in their decision, I cannot interfere, as this is not a court of appeal.]

This Court will not interfere where Justices have decided evidence not to be admissible, which, in fact, is admissible; and that is the only effect of the decision. In the present case, they have heard and adjudicated upon that question—*The King v. the Justices of Carnarvon* (7), *The King v. Freeston* (8).

COLERIDGE, J.—I wish very much that this case had not been argued before me sitting alone, as it comes very near to the dividing line. I shall, however, try to decide it upon broad principles; and if I am wrong in this particular case, I shall do no great harm. The question is, whether the Court of Quarter Sessions have heard the case. If they have, I cannot interfere; but if they have refused to hear it, then this Court will put them in motion. Now, the

(1) *Ante*, M.C. 78.

(2) 5 B. & C. 511.

(3) 2 Gale & Dav. 714; s.c. 12 Law J. Rep. (N.S.) M.C. 76.

(4) *Ante*, M.C. 46.

(5) 7 Ad. & El. 471; s.c. 7 Law J. Rep. (N.S.) M.C. 4.

(6) *Ante*, 19.

(7) 4 B. & Ald. 86.

(8) 5 B. & Ad. 597.

facts are these :—The former order having been quashed, the respondents procured a fresh one, and upon appeal against that, the former order is put in their way. That order was quashed generally ; and it was contended that this entry by the Sessions was conclusive, and the Justices were of that opinion. In this respect, I think that they were wrong, and that it was open to the other side to shew the former order to have been quashed not on the merits, and that the Sessions were bound to receive evidence to shew the precise ground. It is, however, said, on the other side, that the facts would not prove that it was quashed for want of form, and that the agreement to quash, being general, and in writing, could not be explained. We must, however, look at the substance, and not at the form of the matter. What passed at the prior sessions was behind the back of the respondents, against whom the order was made. The motion and consent were handed in as a matter of course, and the Sessions knew nothing of it, and exercised no discretion upon the subject. Looking at the substance therefore, not at the mere form, it is evident on what footing the former order was quashed. These facts, however, the Sessions have refused to hear, in order to explain the general entry ; and not having done so, I think they must be compelled to hear them. When they have indeed heard both sides, it may be that they may say that the former order was not quashed for mere informality, and then we cannot disturb their decision. The fault lay in their refusing to hear the evidence at all ; for had they done that, we could not have

interfered, and then the case would have resembled *The Queen v. the Inhabitants of Charlbury and Walcott*. Whatever may be the result, it appears to me that the Sessions ought to be compelled to hear the evidence ; and, therefore, this rule must be made absolute.

Rule absolute.

1844. { THE QUEEN v. THE MAYOR OF
June 10. { THE BOROUGH OF NEW WINDSOR.

Corporation — Borough Rate — Special Overseer under 1 Vict. c. 81. s. 3.—Refusal to pay Illegal Rate—Mandamus.

The council of the borough of W, pursuant to a report of the Finance Committee, voted and ordered a rate of 6d. in the pound on the rateable property in the borough, in the following proportions :—Parish M, 519l. 3s. ; parish N, 119l. 2s. ; parish O, 31l. 11s. 6d. ; and special overseers, in pursuance of stat. 1 Vict. c. 81, were appointed under the corporate seal for making and collecting the rate of 519l. 3s. in the parish M. These special overseers made a rate of 7d. in the pound, calculated to produce 618l. 4s. 7½d. :—Held, that such rate was illegal, and that a parishioner who had been omitted from the burgess list, by reason of his refusal to pay it, was entitled to a mandamus to the mayor to insert his name thereon under the stat. 1 Vict. c. 78. s. 24.

[For the report of the above case, see 13 Law J. Rep. (N.S.) Q.B. p. 337.]

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A
COMPENDIOUS ABSTRACT
OF THE
PUBLIC GENERAL ACTS
OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND:
7 VICTORIÆ—1844.

BEING THE FOURTH SESSION OF THE FOURTEENTH PARLIAMENT
OF SUCH
UNITED KINGDOM.

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BEGUN
AT WESTMINSTER,
THE
19TH AUGUST, ANNO DOMINI 1841;
AND
FROM THENCE CONTINUED,
BY SEVERAL PROROGATIONS,
TO THE
1ST FEBRUARY, 1844.

ABRIDGMENT
OF THE
PUBLIC GENERAL ACTS,
7 VICTORIÆ—1844.

CAP. I.

AN ACT to enlarge the Powers of an Act of the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis, on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*.

(5th March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *The Bank of England and any other persons or corporations empowered to lend on mortgage of the Land Revenues.*
 2. *Commissioners of Woods incorporated.—Powers of the recited Act extended to this Act.*
 3. *Commissioners of Woods empowered to lease, notwithstanding mortgages.*
 4. *Saving the rights of distress and entry of mortgages.*
 5. *Commissioners of Woods, &c. shall report annually to the Commons House of Parliament.*
 6. *Act may be amended or repealed this session.*
-

By this Act,

After reciting that by 4 & 5 Vict. c. 40, it was enacted, that it should be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, and they were thereby authorized and empowered, by and with the consent and approbation in writing of the Lord High Treasurer, or of the Commissioners for executing the office of Lord High Treasurer of the United Kingdom, or any three or more of them, notwithstanding any provisions, restrictions, or clauses contained in any Act or Acts of Parliament relating to Her Majesty's Land Revenue, from time to time to borrow and take up at any rate of interest not exceeding 5l. per cent. per annum, and on such terms and conditions as they should think proper, such sum or sums of money as the said Commissioners, with such consent and approbation as aforesaid, should judge necessary for the purpose of carrying into effect and completing the several improvements and new streets authorized and directed to be made by them by the several Acts therein recited or referred to, on mortgage of all or any part or parts of the houses, buildings, lands, tenements, and hereditaments of or belonging to Her Majesty, her heirs and successors, within the county of *Middlesex* and city of *London*, or either of them, (other than royal palaces and parks,) and for securing the repayment of the sum or sums so to be borrowed, or any part or parts thereof, with interest for the same, with such consent and approbation as aforesaid, to grant, demise, or mortgage all or any part or parts of the same houses, buildings, lands, tenements, and hereditaments respectively unto any person or persons, body or bodies corporate, who should lend and advance such sum or sums of money respectively, his, her, or their heirs, executors, or administrators, successors or assigns, or to whom he or they or any such body should appoint, for any term of years, so that every such grant, mortgage, or security were made with a proviso or condition to cease and be void when such sum or sums of money thereby to be secured, and the interest thereof, should be fully paid and satisfied: And that doubts are entertained whether the said recited Act extends to empower the Governor and Company of the Bank of England and certain other public companies and corporations to advance and lend monies to the said Commissioners on the security of the said land revenues of the Crown, the said Governor and Company of the Bank of England and other public companies and corporations not being expressly named and empowered in and by the said recited Act; and it would facilitate the raising of such monies if such doubts were removed:—

It is Enacted,

i. That it shall be lawful for the Governor and Company of the Bank of England, and for any person whomsoever, and any bodies politic or corporate or companies whatsoever, to advance and lend from time to time to the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, any sum or sums of money, or any part or parts of the capital or other monies or funds of or belonging to such governor or company, person or persons, bodies politic or corporate, or companies respectively, which the said Commissioners, by and with the consent and approbation in writing of the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer, of the United Kingdom, or any three or more of them, shall from time to time judge necessary, for the purpose of carrying into effect and completing the several improvements and new streets authorized and directed to be made by them by the said several Acts in the said recited Act of 4 & 5 Vict. c. 40, recited or referred to, on mortgage of all or any part or parts of the houses, buildings, land, tenements, and hereditaments of or belonging to Her Majesty, her heirs and successors, within the county of Middlesex and city of London, or either of them, (other than royal palaces and parks), so as that all such loans be made with the approbation of the said Lord High Treasurer, or Commissioners for executing the office of Lord High Treasurer, or any three or more of them, to be signified by his or their warrant or warrants for that purpose, notwithstanding anything contained to the contrary in an Act, 5 & 6 Will. & M. c. 20, intituled, 'An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France,' or in any other Act or Acts: Provided also, that the sum to be advanced by the Bank of England under the provisions of this Act shall not exceed in the whole the sum of 250,000*l*.

ii. That the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be and they are hereby constituted a corporation for the purposes of this Act, as well as for the purposes of the said recited Act, 4 & 5 Vict. c. 40, and may have such seal as in the said recited Act is mentioned; and that all and singular the powers, provisions, exemptions from stamp duties, and enactments in the said recited Act contained with respect to monies borrowed and mortgages made under the authority of the said recited Act, and the application of such monies, shall, so far as the same are applicable, extend to all monies to be borrowed and mortgages to be made under the authority of this Act; and that all sum and sums of money which by the said recited Act are made applicable to the repayment of monies borrowed on the credit of the land revenues of the Crown, under the powers and provisions of the said recited Act, and the interest thereof, shall equally be applicable and be applied in repayment of any sum or sums of money which may be borrowed on the credit of the land revenues of the Crown under the powers and provisions of this Act, and the interest thereof.

iii. Provided and enacted, That it shall and may be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in all respects to make and grant such leases and agreements for leases, and to accept a surrender of any lease or leases granted or to be granted of any hereditaments comprised in any mortgage made or to be made in pursuance of the said recited Act, 4 & 5 Vict. c. 40, or of this Act, and on any such surrender to grant any other lease or separate leases of the hereditaments so be surrendered, for any term which they are or may be authorized to grant, in all respects whatsoever as they could have done if such mortgage or mortgages had not been made, and the said last-mentioned Act and this Act had not passed, so as the rent to be reserved in respect of any hereditaments to be comprised in any new lease to be made in pursuance of any surrendered lease be not less in amount than the rent which was reserved by the surrendered lease, or when more than one lease shall be granted of any hereditaments comprised in a lease which shall have been surrendered so as the aggregate amount of rents to be reserved by the separate leases shall not be less in amount than the rent reserved by the lease so surrendered.

iv. That the person or persons, bodies or body, to whom any such mortgage as aforesaid has been or shall be granted shall (in respect of such leases so to be granted, and during the continuance of such mortgage securities,) have such and the same powers of distress, entry, or otherwise, for the recovery of the rents by any such leases so to be granted, reserved, and shall have the full benefit of the covenants in such leases to be contained, and on the part of the lessees to be performed, as they would have had if they had been parties to such leases, and the rents and rights of distress and entry had been reserved to them, and the covenants entered into with them in all respects whatsoever, but not so as to give any subsequent mortgagee any right or priority over the prior mortgagee.

v. That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall once in every year, until the several improvements and new streets hereinbefore referred to are completed, report to the Commons House of Parliament the progress made by the said Commissioners in the execution of such improvements and new streets respectively, the monies raised and received by them for the purposes thereof, and the expenditure of the same, and the balance, if any, remaining unexpended at the date of each report, and also the number and extent of houses and other property still remaining to be purchased in each line of improvement, and the estimated cost thereof, and the funds applicable to the purchase of the same.

vi. That this Act or any part thereof may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. II.

AN ACT for the more speedy Trial of Offences committed on the High Seas.

(5th March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Justices of oyer and terminer may try offences committed on the high seas.*
2. *Venus in indictments.*
3. *Where offenders shall be tried.*
4. *Not to affect Central Criminal Court, or prevent the issue of special commissions.*
5. *Act may be amended.*

By this Act,

After reciting, that by an Act, 28 Hen. 8. c. 15, intituled, 'For Pirates,' it was enacted, that all treasons, felonies, robberies, murders, and confederacies thereafter to be committed in or upon the sea, or in any other haven, river, creek, or place where the admiral or admirals have or pretend to have power, authority, or jurisdiction, should be inquired, tried, heard, determined, and judged in such shires and places in the realm as should be limited by the King's commission or commissions to be directed for the same, in like form and condition as if any such offence or offences had been committed or done in or upon the land; and such commissions should be had under the King's Great Seal, directed to the admiral or admirals, or to his or their lieutenant, deputy and deputies, and to three or four other substantial persons as should be named or appointed by the Lord Chancellor of England for the time being, from time to time and as often as need should require, to hear and determine such offences after the common course of the laws of this realm used for treasons, felonies, murders, robberies, and confederacies of the same done and committed upon the land within this realm: and that it is expedient that provision be made for the trial of persons charged with offences so committed, without issuing any special commission in that behalf:—

It is Enacted,

i. That Her Majesty's Justices of Assize or others Her Majesty's Commissioners by whom any court shall be holden under any of Her Majesty's commissions of oyer and terminer or general gaol delivery shall have severally and jointly all the powers which by any Act are given to the Commissioners named in any commission of oyer and terminer for the trying of offences committed within the jurisdiction of the Admiralty of England, and that it shall be lawful for the first-mentioned Justices and Commissioners, or any one or more of them, to inquire of, hear, and determine all offences alleged to have been committed on the high seas and other places within the jurisdiction of the Admiralty of England, and to deliver the gaol in every county and franchise within the limits of their several commissions of any person committed to or imprisoned therein for any offence alleged to have been committed upon the high seas and other places within the jurisdiction of the Admiralty of England; and all indictments found, and trials and other proceedings had, by and before the said Justices and Commissioners shall be valid; and it shall be lawful for the Court to order the payment of the costs and expenses of the prosecution of such offences, in the manner prescribed by an Act, 7 Geo. 4. c. 64, intituled, 'An Act for improving the Administration of Criminal Justice in England,' in the case of felonies tried in the High Court of Admiralty.

ii. That in all indictments preferred before the said Justices and Commissioners under this Act the venue laid in the margin shall be the same as if the offence had been committed in the county where the trial is had; and all material facts which in other indictments would be averred to have taken place in the county where the trial is had shall in indictments prepared and tried under this Act be averred to have taken place "on the high seas."

iii. That the Justice or Justices by whom any information shall be taken touching any offence committed within the jurisdiction of the Admiralty of England under the provisions of an Act, 7 Geo. 4. c. 38, intituled, 'An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith,' if he or they shall see cause thereupon to commit such person to take his trial for such offence, shall commit him to the same prison to which he would have been committed to take his trial at the next court of oyer and terminer and general gaol delivery if the offence had been committed on land within the jurisdiction of the same Justice or Justices, and shall have authority to bind by recognizance all persons who shall know or declare any thing material touching the said offence to appear at the said next court of oyer and terminer and general gaol delivery, then and there to prosecute or give evidence against the party accused, and shall return all such informations and recognizances to the proper officer of the court in which the trial is to be, at or before the opening of the court; and every such offender shall be arraigned, tried, and sentenced as if the offence had been committed within the county, riding, or division for which such court shall be holden.

iv. Provided, and declared and enacted, That nothing herein contained shall affect the jurisdiction belonging to the Central Criminal Court for the trial of persons charged with offences committed on the high seas and other places within the jurisdiction of the Admiralty of England, or to restrain the issue of any special commission under the first-recited Act for the trial of such offenders, if need shall be.

v. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. III.

AN ACT to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time.

(5th March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Proceedings commenced by common informers, or persons other than the actual losers, for penalties incurred by playing at or betting on certain games to be stayed on application to the Court in which they were commenced or to a Judge.*
 2. *The like remedy in cases where penalties may have been incurred under the Irish Acts.*
 3. *Restricting proceedings by any common informer, &c. under any of the above provisions after the passing of this Act.*
 4. *Actions not to be brought without the consent of the Attorney General.*
 5. *Limiting the duration of this Act.*
 6. *Act may be amended, &c. this session.*
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By this Act,

After reciting that by 9 Anne, c. 14, intituled, 'An Act for the better preventing of excessive and deceitful Gaming,' it is among other things enacted, that from and after the said 1st of May 1711 any person or persons whatsoever who shall at any time or sitting, by playing at cards, dice, tables, or other game or games whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose to any one or more person or persons so playing or betting, in the whole, the sum or value of 10*l.*, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same shall be at liberty, within three months then next, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner and winners thereof, with costs of suit, by action of debt founded on this Act, to be prosecuted in any of Her Majesty's courts of record, in which actions or suits no *essoign*, protection, wager of law, privilege of Parliament, or more than one imparlance shall be allowed; in which actions it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to the plaintiffs or received to the plaintiffs' use the monies so lost and paid, or converted the goods won of the plaintiffs to the defendants' use, whereby the plaintiff's action accrued to him, according to the form of this statute, without setting forth the special matter; and in case the person or persons who shall lose such money or other thing as aforesaid shall not within the time aforesaid really and *bona fide*, and without *covin* or collusion, sue and with effect prosecute for the money or other thing so by him or them lost, and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same and treble the value thereof, with costs of suit, against such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed: And that similar provisions are contained in an Act similarly intituled, passed in the Parliament of Ireland, 11 Anne, (I.): And that by an Act, 16 Car. 2. c. 7, intituled, 'An Act against deceitful, disorderly, and excessive Gaming,' it is amongst other things enacted, that if any person or persons shall play at any of the games in the said Act enumerated and set forth, or any other pastime, game or games whatsoever (other than with and for ready money), or shall bet on the sides or hands of such as do or shall play thereat, and shall lose any sum or sums of money or other thing or things so played for exceeding the sum of 100*l.* at any one time or meeting, upon ticket or credit or otherwise, and shall not pay down the same at the time when he or they shall so lose the same, the party and parties who loath or shall lose the said monies or other thing or things so played or to be played for above the said sum of 100*l.* shall not in that case be bound or compelled or compellable to pay or make good the same, but the contract and contracts for the same and for every part thereof, and all and singular judgments, statutes, recognizances, mortgages, conveyances, assurances, bonds, bills, specialties, promises, covenants, agreements, and other acts, deeds, and securities whatsoever, which shall be obtained, made, given, acknowledged, or entered into for security or satisfaction of or for the same or any part thereof, shall be utterly void and of none effect, and that the said person or persons so winning the said monies or other things shall forfeit and lose treble the value of all such sum and sums of money or other thing or things which he shall so win, gain, obtain, or acquire above the said sum of 100*l.*, the one moiety thereof to our said Sovereign Lord the King, his heirs and successors, and the other moiety thereof to such person or persons as shall prosecute or sue for the same within one year next after the time of such offence committed, and to be sued for by action of debt, bill, plaint, or information in any of His Majesty's courts of record at Westminster, wherein no *essoign*, protection, or wager of law shall be allowed; and that every such plaintiff or plaintiffs, informer or informers, shall in every such suit and prosecution have and receive his treble costs against the person and persons offending and forfeiting as aforesaid, any law, custom, or usage to the contrary notwithstanding: And that provisions nearly similar to those last above recited are contained in an Act similarly intituled, passed in the Parliament of Ireland, 10 Will. 3. (I.): And that several persons have been subjected to proceedings at law at the suit of common informers or persons other than the actual losers: And that it is expedient that such proceedings as have already been commenced at the suit of any common informer, or such other persons than the actual losers, under the above-recited provisions of the said Acts or any or either of them, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred by playing at any of the sports or pastimes mentioned in the Schedule hereunto annexed, or by betting on the sides or hands of such as did play at the same, should be stayed and suspended for a limited

time, and that during such limited time no proceedings should for the future be commenced in such cases by any common informer, or any person other than the actual loser :—

It is Enacted,

I. That immediately after the passing of this Act it shall be lawful for any person against whom any original writ, writ of summons, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted by or at the suit of any common informer, or person other than the actual loser, on or before the day of the passing of this Act, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred under the said provisions of the said Act, 9 Anne, c. 14, or of the said Act, 16 Car. 2. c. 7, or of any other Act, by playing at any of the said sports or pastimes mentioned in the Schedule hereunto annexed, and any *bond fide* variety of any of the said sports, pastimes, or games, and any sport, pastime, or game of a like or similar description to any of the said sports, pastimes, or games to which a different name may, by general or local usage, be appropriated or by betting on the sides or hands of such as did play thereat, such playing or betting being alleged to have taken place previously to the 1st of June 1844, to apply to the Court in which such original writ, writ of summons, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, or to any Judge of either of the superior courts at Westminster, for an order that proceedings shall be stayed for three calendar months and till the end of the present session of Parliament; and every such Court or Judge, as the case may be, is hereby authorized and required, upon such application, and proof that sufficient notice has been given to the plaintiff or informer, or to his attorney, of the application, and upon being satisfied by affidavit or otherwise that such proceedings have been commenced for the recovery of such forfeiture or pecuniary penalty as aforesaid, to make such order as aforesaid; and upon the making such order aforesaid all further proceedings on such writ, writ of summons, suit, action, bill, plaint, or information shall be forthwith stayed and suspended as aforesaid.

II. That immediately after the passing of this Act it shall be lawful for any person against whom any proceeding or proceedings shall have been commenced or prosecuted by or at the suit of any common informer in Ireland, on or before the day of the passing of this Act, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred under the said provisions of the said Act, 11 Anne, or of the said Act 10 Will. 3, or of any other Act, by playing at any of the said sports or pastimes, or by betting on the sides or hands of such as did play at the same, such playing or betting being alleged to have taken place previously to the 1st of June 1844, to apply to the Court or a Judge in Dublin in like manner, and such Court or Judge shall proceed in like manner and make such order therein as is hereinbefore directed to be done in the like proceedings commenced by any common informer in England.

III. That from and after the passing of this Act no proceeding or proceedings whatever shall be commenced or prosecuted by any common informer, or person other than the actual loser, his executors or administrators, in the United Kingdom of Great Britain and Ireland, under the said above-recited provisions of the said Acts, or any or either of them, or of any other Act, for any forfeiture or pecuniary penalty incurred or supposed to be incurred by playing at any of the said sports or pastimes, or by betting on the sides or hands of such as do play at the same, before the 1st of June 1844.

IV. That no indictment or other criminal proceeding whatsoever shall be presented or prosecuted against any person for winning or losing by playing or betting at or on any of the said sports or pastimes, or for betting on the sides or hands of such as do play thereat, without the consent of Her Majesty's Attorney General for the time being, under his hand in writing first had and obtained.

V. Provided and enacted, That the operation of this Act shall not extend beyond the last day of the present session of Parliament; and that nothing herein contained shall extend or be construed to extend to authorize the staying or suspending any proceedings which may be commenced after the last-mentioned day.

VI. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

SCHEDULE referred to in the above Act.

Horse Races.
Foot Races.
Boat Races.
Regattas.
Rowing Matches.
Sailing Matches.
Coursing Matches.
Fencing Matches.
Golf.
Wrestling Matches.

Cricket.
Tennis.
Fives.
Racquets.
Bowls.
Quoits.
Curling.
Putting Stone.
Foot Ball.

CAP. IV.

AN ACT for transferring Three Pounds Ten Shillings *per Centum per Annum* Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities.

(22nd March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons entitled to 100l. 3l. 10s. per cents. 1818, who shall not assent to receive 3l. 5s. and new 3l. per cents., to receive on 10th October 1844 100l. in discharge of 100l. 3l. 10s. per cents. 1818.*
2. *Proprietors of 3l. 10s. per cents. 1818, on signifying their assent on or before 20th April 1844, may receive annuities carrying 3l. 5s. interest until October 1854, and then 3l. per cent. interest.—New 3l. per cents. to be redeemable after 10th October 1874.*
3. *Assents to be signified at the Bank in manner herein mentioned.*
4. *Persons out of the kingdom allowed further time to signify assents.*
5. *Interest of 3l. 5s. per cents. and new 3l. per cents. to be charged on the Consolidated Fund.*
6. *Dividends on 3l. 10s. per cents. to be paid to 10th October 1844.*
7. *Transfers of 3l. 10s. per cents. 1818 from Bank of England to Bank of Ireland after 6th March 1844 void.*
8. *Accountants General of Chancery and Exchequer, and Accountant in Bankruptcy, may assent.*
9. *Executors, &c. may assent.*
10. *Books to be opened at the Bank of England for receiving the entry of the 3l. 5s. per cents., and new 3l. per cents.—Payment of dividends of 3l. 10s. per cents. 1818, due in October 1844.*
11. *Bank to appoint a cashier and an Accountant General.*
12. *Said Accountant General to examine receipts and payments.*
13. *All the stock created by this Act, and by another Act of this session, to be one joint stock.*
14. *Annuities to be personal estate.*
15. *Certificates of amount of stock exchanged or paid off, &c. to be sent to Commissioners for reduction of the National Debt.*
16. *Bonds or contracts to transfer 3l. 10s. per cents. 1818 to be deemed satisfied by transfer of 3l. 5s. per cents. and new 3l. per cents.—The like as to payment of dividends.*
17. *Lenders of 3l. 10s. per cents. 1818, on contract to replace, may demand 100l. money for every 100l. stock.*
18. *Powers of attorney to continue in force for sale or transfer of 3l. 10s. per cent. annuities 1818 unless legally revoked.*
19. *Powers of attorney for receiving dividends on transfer of the 3l. 10s. per cents. 1818 to remain in force for receiving dividends or for transferring stock of 3l. 5s. per cents. and new 3l. per cents.*
20. *Trusts as to 3l. 10s. per cents. 1818 shall extend to 3l. 5s. per cents. and new 3l. per cents., and directions as to the application of 3l. 10s. per cents. 1818 shall be carried into effect by the application of the 3l. 5s. per cents. and new 3l. per cents.*
21. *Questions as to trusts in the 3l. 10s. per cents. 1818 may be decided by Courts of Chancery or Exchequer, or by the Court of Session.*
22. *3l. 5s. per cents. and new 3l. per centum annuities may be accepted by the Commissioners for annuities for lives and for terms of years.*
23. *Mode of computing 3l. 5s. per cents. and new 3l. per cents. for purchase of annuities for lives or for terms of years.*
24. *New stock transferable at Banks of England and Ireland may be mutually transferred conformably to directions of 5 Geo. 4. c. 53, as altered by 6 Geo. 4. c. 79.*
25. *Indemnifying the Bank of England for acts done by their officers under this Act.*
26. *Act may be altered this session.*

By this Act,

After reciting that the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having taken into serious consideration the present state of the National Debt, and being desirous of lessening the charge thereof, have resolved that all and every person and persons, bodies politic and corporate, who now is or are or hereafter may be interested in or entitled unto any part of the National Debt redeemable by law which now carries an interest after the rate of 3l. 10s. per centum per annum, and is usually known by the name of "Three Pounds Ten Shillings per Centum Annuities One thousand eight hundred and eighteen," the dividends of which are payable at the Bank of England on the 5th of April and 10th of October in each year, and who shall not signify his, her, or their assent to accept 3l. 5s. per centum annuities and new 3l. per centum annuities, upon the terms and in the manner hereinafter mentioned, shall on the 10th of October 1844 receive the sum of 100l. for every 100l. of such 3l. 10s. per centum annuities 1818, which may be then standing in his, her, or their name or names, and the said amount of capital of such annuities shall from the said 10th of October 1844 be considered as cancelled and paid off, and no interest shall from thenceforth accrue or become payable thereon: And have also resolved, that provision shall be made by this House for paying off such proprietor or proprietors of the said 3l. 10s. per centum annuities 1818 as shall not signify his, her, or their assent to accept and receive a share in 3l. 5s. per centum annuities and new 3l. per centum annuities in lieu thereof: And have also resolved, that all and every person or persons, bodies politic or corporate, who shall hold or be possessed of any such 3l. 10s. per centum annuities 1818, and who shall on or before Saturday the 20th of April 1844 signify, in the manner hereinafter directed, his, her, or their assent to accept and receive

3*l*. 5*s*. per centum annuities in lieu of his, her, or their respective share or shares in the said 3*l*. 10*s*. per centum annuities, shall for every 100*l*. of such 3*l*. 10*s*. per centum annuities 1818 receive 100*l*. capital stock in a new stock to be called "Three Pounds Five Shillings per Centum Annuities," which said annuities shall continue to be paid at the rate of 3*l*. 5*s*. per centum per annum until the 10th of October 1854, and from and after that date the said annuities shall carry interest at the rate of 3*l*. per centum per annum, and shall be called "New Three Pounds per Centum Annuities;" which said last-mentioned annuities shall not be subject to reduction until from and after the 10th of October 1874; and the said 3*l*. 5*s*. per centum annuities and the new 3*l*. per centum annuities respectively shall be free from all taxes, charges, and impositions, in the like manner as the said 3*l*. 10*s*. per centum annuities 1818; and the dividends or interest of the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities shall be paid and payable at the Bank of England or at the Bank of Ireland on the 5th of April and 10th of October in each and every year, and the first half-yearly dividend on the said 3*l*. 5*s*. per centum annuities shall be payable on the 5th of April 1845: And have also resolved, that all and every person or persons, bodies politic or corporate, possessed of any part of the said 3*l*. 10*s*. per centum annuities 1818, and who shall desire to signify his, her, or their assent to receive 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities in lieu thereof, shall on or before the 20th of April 1844, but within the usual hours of transacting business at the Bank of England, by themselves, or some agent or agents for that purpose duly authorized, signify to the Governor and Company of the Bank of England such assent in writing under his, her, or their hand or hands, or the hand or hands of his, her, or their agent or agents, together with the amount of his, her, or their respective share or shares in the said 3*l*. 10*s*. per centum annuities 1818, and which said assent shall be entered in a book or books to be opened and kept by the said Governor and Company for that purpose; and in case of any transfer of such share or shares of such annuities or any part or parts thereof, after such assent, the part or parts of such annuities so transferred shall be entered in the said book or books of the said Governor and Company separately from the said 3*l*. 10*s*. per centum annuities 1818 in respect of which no such assent shall be signified; and every person or persons so assenting, or his, her, or their assigns, or the executors or administrators of such assigns, under any such transfer, shall from the 10th of October 1844 be entitled to 100*l*. of such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, in lieu of every 100*l*. of their said 3*l*. 10*s*. per centum annuities 1818 capital stock; provided always, that if any person or persons holding any such 3*l*. 10*s*. per centum annuities 1818 shall not be within the limits of the United Kingdom at any time between the 11th and 23rd of March 1844, both inclusive, but shall be in any other part of Europe, it shall be lawful for such person or persons to signify such assent at any time before the 1st of July 1844; and if any such person or persons shall not at any time between the 11th of March 1844 and the 1st of July 1844 be within any part of Europe, it shall be lawful for him, her, or them to signify such assent at any time before the 1st of February 1845, such person or persons proving, to the satisfaction of the Governor or Deputy Governor of the Bank of England, his, her, or their absence from the United Kingdom or out of Europe, as above specified, and that his, her, or their share or shares of such 3*l*. 10*s*. per centum annuities 1818 stood in his, her, or their name or names respectively, or in the name or names of any one or more trustee or trustees on his, her, or their behalf, in the books of the Governor and Company of the Bank of England on the 23rd of March 1844; provided also, that such person or persons so absent from the United Kingdom or out of Europe shall signify such his, her, or their assent within ten days after his, her, or their return to the United Kingdom: And have also resolved, that the interest and dividends payable in respect of the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities shall be charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland on the 5th of April and the 10th of October in every year, and that every proprietor of the said 3*l*. 10*s*. per centum annuities 1818 shall receive the dividends of the said annuities due thereon on the 10th of October 1844, and no longer: And have also resolved, that it shall be lawful for the Accountant General of the Courts of Chancery in England and Ireland respectively, and also for the Accountant General of the Court of Exchequer in Ireland, and for the Accountant in Bankruptcy in England, at any time before the 8th of July 1844, to signify to the Governor and Company of the Bank of England, on behalf of any suitor or suitors or others interested in any such 3*l*. 10*s*. per centum annuities 1818 standing in the names of such Accountants General and Accountant respectively, their assent to accept and receive shares in the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, in lieu of all such 3*l*. 10*s*. per centum annuities 1818 standing in their names respectively; and the said Accountants General and Accountant respectively shall be fully indemnified against all actions, suits, and proceedings for and in respect of any action, matter, or thing done by them respectively in pursuance thereof: And have also resolved, that all executors, administrators, guardians, and trustees may signify such assent at any time before the 20th of April 1844, in respect of such shares of any of the said 3*l*. 10*s*. per centum annuities 1818 for the holding of which their names shall be made use of respectively, and shall be indemnified for giving such assent in respect thereof; and all executors, administrators, guardians, and trustees not signifying such assent, shall be deemed not to have assented as aforesaid, and shall be paid off accordingly:—

It is Enacted,

1. That all and every person and persons, bodies politic and corporate, who, on behalf of themselves or in trust for others, now is or are or hereafter may be interested in or entitled unto any part of the National Debt redeemable by law which now carries an interest after the rate of 3*l*. 10*s*. per centum per annum, and is usually known by the name of the "Three Pounds Ten Shillings per Centum Annuities One thousand eight hundred and eighteen," the dividends of which are payable at the Bank of England on the 5th of April and 10th of October in each year, and who shall not signify his, her, or their assent to accept 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, upon the terms and in the manner hereinafter mentioned, shall, on the 10th of October 1844, receive the sum of 100*l*. for every 100*l*. of such 3*l*. 10*s*. per centum annuities 1818, and so in proportion for any greater or less amount of such 3*l*. 10*s*. per centum annuities 1818 which may be then standing in his, her, or their name or names; and the said amount of capital of such annuities shall, from the said 10th of October 1844, be considered as cancelled and paid off, and no interest shall from thenceforth accrue or become payable thereon: Provided always, that the payment at the Bank of the said 100*l*., for the use of the person or persons entitled thereto, shall be and be deemed to be a full discharge of the amount so paid, and that the proprietors or their agents duly authorized shall be at liberty to demand and receive payment from the Bank, upon application for that purpose, at any time after the 10th of October 1844; of the sum so paid, for the use of the proprietor or proprietors entitled thereto.

II. That all and every person or persons, bodies politic or corporate, who shall hold or be possessed of any such 3*l*. 10*s*. per centum annuities 1818, and who shall on or before the 20th of April 1844 signify in the manner hereinafter directed his, her, or their assent to accept and receive 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities in lieu of his, her, or their respective share or shares in the said 3*l*. 10*s*. per centum annuities 1818, shall for every 100*l*. of such 3*l*. 10*s*. per centum annuities 1818 receive 100*l*. capital stock in a new stock to be created and denominated "Three Pounds Five Shillings per Centum Annuities," and so in proportion for any greater or less amount, the dividends or interest of which shall be paid and payable at the Bank of England or at the Bank of Ireland on the 5th of April and 10th of October in each and every year, and the first payment of which shall be made on the 5th of April 1845, and the said annuities shall continue to be paid at the rate of 3*l*. 5*s*. per centum per annum until the 10th of October 1854, and from and after that date the said annuities shall carry interest at the rate of 3*l*. per centum per annum; which said last-mentioned annuities shall be subject and liable to redemption at any time from and after the 10th of October 1874, and not before that period.

III. That all and every person or persons, bodies politic or corporate, possessed of any part of the said 3*l*. 10*s*. per centum annuities 1818, and who shall desire to signify his, her, or their assent to receive 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities in lieu thereof, shall on or before the said 20th of April 1844, but within the usual hours of transacting business at the Bank of England, by themselves, or some agent or agents for that purpose duly authorized, signify to the Governor and Company of the Bank of England such assent in writing under his, her, or their hand or hands, or the hand or hands of his, her, or their agent or agents, together with the amount of his, her, or their respective share or shares in the said 3*l*. 10*s*. per centum annuities 1818, and which said assent shall be entered in a book or books to be opened and kept by the said Governor and Company for that purpose; and in case of any transfer of such share or shares of such annuities or any part or parts thereof, after such assent, the part or parts of such annuities so transferred shall be entered in the said book or books of the said Governor and Company separately from the said 3*l*. 10*s*. per centum annuities 1818 in respect of which no such assent shall be signified; and every person or persons so assenting, or his, her, or their assigns, or the executors or administrators of such assigns, under any such transfer, shall from the 10th of October 1844 be entitled to 100*l*. of such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities in lieu of every 100*l*. of their said 3*l*. 10*s*. per centum annuities 1818 capital stock.

IV. Provided and enacted, That if any person or persons holding any such 3*l*. 10*s*. per centum annuities 1818 shall not be within the limits of the United Kingdom at any time between Monday the 11th of March 1844 and Saturday the 23rd of March 1844, both days inclusive, but shall be in any other part of Europe, it shall be lawful for such person or persons to signify such assent at any time before the 1st of July 1844; and if any such person or persons shall not at any time between the 11th of March 1844 and the 1st of July 1844 be within any part of Europe it shall be lawful for him, her, or them to signify such assent at any time before the 1st of February 1845, such person or persons proving to the satisfaction of the Governor or Deputy Governor of the Bank of England his, her, or their absence from the United Kingdom or being out of Europe, as above specified, and that his, her, or their share or shares of such 3*l*. 10*s*. per centum annuities 1818 stood in his, her, or their name or names respectively, or in the name or names of any one or more trustee or trustees on his, her, or their behalf, in the books of the Governor and Company of the Bank of England on the 23rd of March 1844: Provided also, that such person or persons so absent from the United Kingdom or out of Europe shall signify such his, her, or their assent within ten days after his, her, or their return to the United Kingdom.

V. That the interest and dividends payable in respect of the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities shall be charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same manner as the interest and dividends of the said 3*l*. 10*s*. per centum annuities 1818 now stand charged on the said fund.

VI. That every proprietor or proprietors of the 3*l*. 10*s*. per centum annuities 1818 aforesaid shall receive the dividends on the said annuities due thereon on the 10th of October 1844, and no longer.

VII. That every transfer of any of the said annuities 1818 at the rate of 3*l*. 10*s*. per centum per annum, which may have taken place from the books of the Governor and Company of the Bank of England to the books of the Governor and Company of the Bank of Ireland at any time from and after the 6th of March 1844, shall be and the same is hereby declared to be null and void.

VIII. That it shall be lawful for the Accountants General of the Courts of Chancery in England and Ireland respectively, and also for the Accountant General of the Court of Exchequer in Ireland, and for the Accountant in Bankruptcy in England, at any time before the 8th of July 1844, to signify to the Governor and Company of the Bank of England, on behalf of any suitor or suitors or others interested in any such 3*l*. 10*s*. per centum annuities 1818, standing in the names of such Accountants General and Accountant respectively, their assent to accept and receive shares in the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, in lieu of all such 3*l*. 10*s*. per centum annuities 1818 standing in their names respectively; and the said Accountants General and Accountant respectively shall be fully indemnified against all actions, suits, or proceedings for or in respect of any action, matter, or thing done by them respectively in pursuance thereof.

IX. That all executors, administrators, guardians, and trustees of or for any person or persons, and all committees of the estates of idiots and lunatics, who as such shall have the controul over any share or shares of the said 3*l*. 10*s*. per centum annuities 1818 standing either in their own name or names, or in the name or names of any testator or intestate, or of any infant or infants, or idiots or lunatics, or other person or persons, may signify such assent as aforesaid at any time before the 20th of April 1844; and if either or any two or more of such executors, administrators, guardians, trustees, and committees shall reside out of the United Kingdom, the period within which such assent may be signified shall be regulated by the residence of the most distant of such executors, administrators, guardians, trustees, and committees in each case; and all executors, administrators, guardians, trustees, and committees signifying such assent shall be severally and respectively indemnified in respect thereof: Provided always, that an assent for the purposes aforesaid, signed by one of such executors, administrators,

guardians, trustees, or committees, for and on behalf of himself and the others or other of them, shall be sufficient, and shall be binding and conclusive upon the others and other of them, and shall be acted upon by the said Governor and Company as if the same had been signed by the whole of such executors, administrators, guardians, trustees, and committees, unless some one or more of them shall give notice to the said Governor and Company, previous to the expiration of the time hereby given for signifying such assent, of his, her, or their dissent thereto.

x. That it shall and may be lawful for the said Governor and Company of the Bank of England, at any time on or before the 20th of April 1844, to open books for writing up and receiving the entry into the 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities of any of the 3*l*. 10*s*. per centum annuities 1818 before described belonging to any proprietor or proprietors who may have expressed his, her, or their assent to receive such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, and who may thereby have converted his, her, or their 3*l*. 10*s*. per centum annuities into the said annuities at the rate of 3*l*. 5*s*. per centum per annum and new 3*l*. per centum per annum annuities; but the dividend or dividends of the said 3*l*. 10*s*. per centum annuities 1818 which would become due on the 10th of October 1844 shall be paid and payable to the person or persons in whose name the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities may stand on the 10th of October 1844.

And for the more easy and sure payment of the annuities established by this Act;—

It is Enacted,

xi. That the said Governor and Company of the Bank of England, and the Governor and Company of the Bank of Ireland respectively, and their successors, shall from time to time appoint and employ one or more sufficient person or persons within their office to be their chief or first cashier or cashiers, and one other sufficient person within the same office to be their accountant general; and that the monies from time to time and at any time being in the receipt of the Exchequer, hereby made applicable to the payment of the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, shall, by order of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, or the Lord High Treasurer for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, be issued and paid at the said receipt of Exchequer to the said first or chief cashier or cashiers of the said Governor and Company of the Bank of England or Bank of Ireland respectively, and their successors for the time being, by way of imprest and upon account for the payment of the said annuities; and that such cashier or cashiers to whom the said monies shall from time to time be issued shall from time to time, without delay, apply and pay the same accordingly, and render his, her, or their accounts thereof according to the due course of the Exchequer.

xii. That the said Accountant General for the time being shall from time to time inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

xiii. That all the annuities created by virtue of this Act, and also by virtue of another Act passed in this present Session of Parliament, intituled 'An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities,' shall be deemed, reputed, and taken to be one capital or joint stock; and that all and every person and persons, and bodies politic and corporate whatsoever, shall have and be deemed to have a proportional interest and share in the said stock, and in the annuities attending the same, and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferable as this Act directs, and not otherwise; and that there shall be constantly kept in the office of the said Accountants General for the time being a book or books wherein all assignments or transfers of the said capital or joint stock, or any part thereof, and the proportional annuity attending the same, shall be entered and registered, which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or if any such party or parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorized by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses, and that the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them.

xiv. That all persons and corporations entitled to any such annuity or annuities of 3*l*. 5*s*. per centum per annum and new 3*l*. per centum per annum annuities, created by this Act, and his, her, or their administrators, successors, and assigns respectively, and all persons and corporations lawfully claiming under him, her, or them, shall have good, sure, absolute, and indefeasible estates and interests in the said respective annuities, according to the true tenor and meaning of this Act, and shall be possessed thereof as of a personal estate, devisable as such, and which shall not be descendable to heirs, nor liable to any foreign attachment by the custom of London or otherwise, any law, custom, or usage to the contrary notwithstanding; but no payment shall be made or transfer allowed upon any devise until such devise shall have been duly entered at the said Bank of England or Ireland respectively.

xv. That as soon after the expiration of the respective periods allowed by this Act for signifying assent under this Act as the same can be done, certificates shall be from time to time made out and transmitted to the Commissioners for the reduction of the National Debt, by the proper officer or officers of the Bank of England, of the amount of 3*l*. 10*s*. per centum annuities 1818, which shall have been exchanged into such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, or paid off under the provisions of this Act, and of the annual interest which shall have ceased thereby, and also of the capital amount of such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities created by such exchange, and of the annual interest thereon.

xvi. That in every case in which any person or persons shall at the time of the passing of this Act be or remain bound by the condition of any bond or obligation, or by the terms of any instrument in writing, or by any agreement or contract, to

transfer any amount of capital stock in the said 3*l*. 10*s*. per centum annuities 1818 respectively, the condition of every such bond or obligation, or the terms of any such instrument in writing, or agreement or contract, shall be deemed in law and equity to be satisfied by making a transfer of an equal amount of capital stock in the 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities; and that where any party is by the condition of any such bond or obligation, or the terms of any such instrument in writing, or agreement or contract, bound or required to pay half-yearly sums equal to the dividends, on any specified amount of any such 3*l*. 10*s*. per centum annuities 1818 respectively, every such bond, obligation, instrument, agreement, or contract shall be satisfied by the payment of half-yearly sums equal to the dividends of or upon the same amount of the said 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities.

xvii. Provided and enacted, That in every case in which any such 3*l*. 10*s*. per centum annuities 1818 respectively shall have been transferred in the way of loan, upon any condition in any bond or instrument, or under or upon any agreement or contract for the repayment of such loan, by the replacing the amount of stock so transferred, it shall be lawful for the person or persons who shall have made any such loan, or their executors, administrators, or assigns, to declare an option, and give notice thereof in writing, and thereby require the re-payment of 100*l*. of lawful money of Great Britain for every 100*l*. capital stock of such 3*l*. 10*s*. per centum annuities 1818, transferable at the Bank of England, so transferred in the way of loan as aforesaid, and so in proportion for any greater or less amount; and every bond, obligation, instrument, agreement, or contract given, entered into, or made upon any such loan or contract shall be deemed in every such case in law and in equity to entitle the person or persons, his, her, or their executors, administrators, or assigns, to such re-payment in money, and to demand and recover the same in any court in which any action, suit, process, or proceeding may be brought, instituted, or carried on upon any such bond, obligation, instrument, agreement, or contract; anything in any such bond or obligation, instrument, agreement, or contract to the contrary notwithstanding.

xviii. That every power of attorney in force at the time of passing this Act for the sale or transfer of any such 3*l*. 10*s*. per centum annuities 1818, in respect of which an assent to accept 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities may not have been signified under the provisions of this Act, shall remain and continue in full force, unless legally revoked, for the purpose of enabling the attorney or attorneys therein named to give a legal discharge for the principal and dividend of such 3*l*. 10*s*. per centum annuities 1818, when paid off under the provisions of this Act, or to assent to receive 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, in lieu of the said 3*l*. 10*s*. per centum annuities 1818.

xix. That all powers of attorney which may have been or hereafter may be granted, and which would have remained in force if this Act had not passed, for the receipt of dividends, or for sale or transfer of any 3*l*. 10*s*. per centum annuities 1818 transferable at the Bank of England, and which under or by virtue of this Act have been or shall be converted into 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, shall continue and remain in full force and effect for receiving the dividends which shall become due on the 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities created in lieu thereof, or for selling or transferring any such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, and also for receiving dividends on any further sum of such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, which the parties by whom such letters of attorney were given may hereafter purchase or acquire, until such powers are revoked or otherwise determined.

xx. That all trusts, whether created by will or otherwise, and which existed either in the whole or in part, and all directions contained in any will or devise or testamentary paper which remain unexecuted at the time of the passing of this Act, as to any 3*l*. 10*s*. per centum annuities 1818 which may under this Act be converted into 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, or as to the payment or distribution of any dividends thereon, or as to the transfer of any such annuities in any events specified in any such trusts or will or testamentary paper, shall extend and be deemed and construed in all cases and in all courts of law and equity in the United Kingdom, or elsewhere in any dominions or territories belonging to Her Majesty, to extend and to apply to all such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities created in lieu of any 3*l*. 10*s*. per centum annuities 1818, subject to or affected by any such trusts or devises or wills or testamentary papers, for all purposes and in all cases in which such trusts or to which any such directions can be made applicable: Provided always, that in all cases in which any proportions or parts of any such 3*l*. 10*s*. per centum annuities 1818 are required to be transferred under any such trusts, or under the provisions of or directions contained in any will, devise, or testamentary paper, or any proportion or part of any dividends arising from and out of any such 3*l*. 10*s*. per centum annuities 1818, are required to be paid or distributed, the transfer of a like amount of 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, and the payment and distribution of dividends at the rate of 3*l*. 5*s*. per centum and new 3*l*. per centum instead of 3*l*. 10*s*. per centum upon the capital, shall be and be deemed and taken in all courts and for all purposes to be a due execution of such trusts, or of the directions contained in any will or testamentary paper, and shall fully discharge the trustee or executor or executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such execution of any such trusts and executorship as aforesaid.

xxi. That in every case in which any question may have arisen or may arise upon the execution of any trusts or upon any distributions which may have been or may be made or may remain to be made by any trustees, executors, or administrators of or in relation to or arising out of any such 3*l*. 10*s*. per centum annuities 1818, or of any parts or proportions of any such 3*l*. 10*s*. per centum annuities 1818, which may have been vested in any trustees, or which may have been distributable by any executors or administrators, or as to the application of any residue thereof, or as to the distribution or application of any 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, transferred under the provisions of this Act, in lieu of any 3*l*. 10*s*. per centum annuities 1818, whether as to the powers or authorities of any such trustees, executors, or administrators, or as to the relative interest of any persons entitled under any such trusts or under wills to receive any annuities charged upon or arising or payable out of the proceeds of any such 3*l*. 10*s*. per centum annuities 1818, and of any persons interested in any residue of any such 3*l*. 10*s*. per centum annuities 1818, whether under any specific provision relating to any such trusts, or contained in any wills, or arising out of the execution of any wills by any executors, or the distribution of any estates by any administrators, and in all other cases whatsoever in which any question may arise in consequence of the transfer

of any such 3*l.* 10*s.* per centum annuities 1818 into 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, it shall be lawful for any such trustees, executors, or administrators, and for persons entitled to or interested in any such 3*l.* 10*s.* per centum annuities 1818, or any 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities created in lieu thereof, or in any proceeds of any such annuities, whether in reversion or otherwise, to make application to the High Court of Chancery in England, or to the High Court of Chancery or the Court of Exchequer in Ireland respectively, or to the Court of Session in Scotland, in a summary way, either by motion or petition; and it shall be lawful for the said High Courts of Chancery or Court of Exchequer in England or Ireland respectively, or for the Court of Session in Scotland, to make general orders in relation to any such question, or special orders in a summary way, upon any such application, or as to any other matter or thing relating to any such annuities, or to any dividends thereof, or to any 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities which may be created in lieu thereof, or to the application of any such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, or any dividends thereof; and no application, petition, or affidavit made by or on behalf of any trustees, executors, or administrators, or trustee, executor, or administrator, or other person or persons interested in any of such annuities or any dividends thereof respectively, nor any order or report made or other proceeding had in any or either of the said courts respectively, in consequence of any question which may arise out of any of the provisions of this Act, in relation to the 3*l.* 10*s.* per centum annuities 1818, or any part or share or shares thereof, or in relation to any 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities which may be created under this Act in lieu of the said 3*l.* 10*s.* per centum annuities 1818, or the dividends of such respective annuities, nor any copy or copies of such application, petition, affidavit, order, report, or other proceeding, shall be subject or liable to be stamped, or charged or chargeable with any stamp duties whatever, anything in any Act or Acts of Parliament to the contrary notwithstanding; and all trustees, executors, administrators, and other persons acting under any orders made by any or either of such Courts respectively, or whose acts shall be confirmed by any or either of such Courts respectively, if done before any application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all actions, suits, or proceedings for or in respect of any act, matter, or thing done by them respectively in pursuance of or under any such order, or which shall be confirmed by any such order; and in case any action, suit, or other proceeding be commenced or instituted against any such trustee, executor, administrator, or other person, for or in respect of any such act, matter, or thing, it shall be lawful for the Court in which such action, suit, or proceeding shall be commenced, or shall be pending, upon summary application, to stay, and such Court is hereby required to stay, such action, suit, or proceeding, and to make such order relative to the costs thereof as such Court shall think expedient.

XXII. That it shall be lawful for the Commissioners for the reduction of the National Debt, and they are hereby empowered and required, to accept and receive 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities created by this Act as the consideration for the purchase of life annuities and annuities for a certain term of years; and for the purpose of ascertaining the price of such stock or annuities the cashier or cashiers of the Bank of England shall and they are hereby required, on every day on which any of the said annuities shall have been bought at the Bank of England, to cause an account to be made out of the average price thereof, according to the regulations prescribed by any Act or Acts now in force for ascertaining the average price of 3*l.* per centum Bank annuities, for enabling the purchase of life annuities and annuities for a certain term of years, which said account shall be transmitted to the officer appointed by the said Commissioners, to enable him to ascertain the respective amounts of the like annuities which may be purchased by the transfer of such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities as aforesaid.

XXIII. That when any 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities shall be transferred to the said Commissioners for the purchase of life annuities, or for annuities for a certain term of years, that such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities shall be first converted by the computation of the said officers into 3*l.* per centum consolidated or reduced Bank annuities, according to the average price of those stocks, to be ascertained as hereinbefore directed; and the life annuities and annuities for a certain term of years to be granted thereon shall be calculated and ascertained upon the amount of 3*l.* per centum bank annuities including fractions (if any) produced by such conversion, according to the provisions, rules, and regulations prescribed by any Act or Acts now in force enabling the said Commissioners to grant life annuities and annuities for a certain term of years.

XXIV. That it shall and may be lawful for any person who shall at any time hold any stock in the 3*l.* 5*s.* per centum annuities, or in the new 3*l.* per centum annuities created by this Act, transferable at the Bank of Ireland, to transfer or cause to be transferred any such annuities respectively, for the purpose of having corresponding sums written into and consolidated with and made part of the capital of the like annuities respectively transferable at the Bank of England; and in like manner it shall be lawful for any person who shall at any time hold any stock in the said 3*l.* 5*s.* per centum annuities or in the new 3*l.* per centum annuities created by this Act, transferable at the Bank of England, to transfer or cause to be transferred any such annuities respectively, for the purpose of having corresponding sums written into and consolidated with and made part of the capital of the like annuities respectively transferable at the Bank of Ireland; and all such transfers shall be made on the terms and conditions and subject to all the clauses, directions, and regulations contained in an Act, 5 Geo. 4. c. 53, intitled, 'An Act to permit the mutual Transfer of Capital in certain Public Stock or Funds transferable at the Banks of England and Ireland respectively,' as the same is altered or affected by an Act, 6 Geo. 4. c. 79, intitled, 'An Act to provide for the Assimilation of the Currency and Monies of Account throughout the United Kingdom of Great Britain and Ireland;' and all clauses and provisions of the said Acts relating to any funds, stocks, or annuities shall extend and be construed to extend to the annuities created by this Act, in like manner as if the said annuities had been specified in the said recited Acts or either of them.

XXV. That this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the said Governor and Company of the Bank of England, and the Governor and Company of the Bank of Ireland, their officers and servants, and every of them, for all things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any court of law or equity whatsoever to their prejudice or detriment.

XXVI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. V.

AN ACT for transferring certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* and Government Debentures into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities.

(22nd March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Every person entitled to 100*l.* 3*l.* 10*s.* *per cents.*, and not dissenting, shall receive annuities carrying 3*l.* 5*s.* *per cent.* interest until October 1854, and then 3*l.* *per cent.* interest.—New 3*l.* *per cents.* to be redeemable after 10th October 1874.—Dividends to be paid half-yearly.
2. Interest to be charged on Consolidated Fund.
3. Persons not dissenting from receiving new 3*l.* 5*s.* and new 3*l.* *per cent.* annuities by 25th of March shall be deemed assenting.—Further time allowed to persons out of the kingdom for dissenting.
4. Persons dissenting shall signify the same to the Governor and Company of the Bank of England or Ireland respectively.—Paying off dissentients.
5. Dissents of the Accountants General in Chancery, and Accountant General of Exchequer in Ireland, and Accountant in Bankruptcy in England, may be signified within a certain time; and no order made in relation thereto shall be subject to stamp duties.—Indemnity for Accountants General and Accountant.
6. Executors, trustees, &c. may dissent.—Indemnity for such executors.
7. Payments of dividends on 3*l.* 10*s.* *per cents.* and government debentures.—Time of paying off or conversion.—Transfers of 3*l.* 10*s.* *per cents.* between the Banks of England and Ireland after 6th of March 1844 void.
8. Books to be opened at the Bank of England or Ireland for receiving the entry of the 3*l.* 5*s.* and new 3*l.* *per cent.* annuities.—Payment of dividends of 3*l.* 10*s.* *per cents.* due on 5th July or 10th October.
9. Banks of England and Ireland shall employ their cashier and Accountant General.
10. Accountant General shall examine receipts and payments.
11. The several annuities under this Act shall be one joint stock.
12. Annuities to be personal estate.
13. Powers of attorney for receipt of dividends or for sale or transfer of 3*l.* 10*s.* *per cents.* shall remain in force for 3*l.* 5*s.* and new 3*l.* *per cents.*
14. Certificates of amount of stock exchanged or paid off, &c. shall be sent to Commissioners for reduction of the National Debt.
15. Bonds or contracts to transfer 3*l.* 10*s.* *per cents.* to be deemed satisfied by a transfer of 3*l.* 5*s.* and new 3*l.* *per cents.*—The like as to payment of dividends.
16. Lenders of 3*l.* 10*s.* *per cents.* on contract to replace may demand 100*l.* in money for every 100*l.* in stock.
17. Trusts as to 3*l.* 10*s.* *per cents.* shall extend to 3*l.* 5*s.* and new 3*l.* *per cents.*, and directions as to the application of 3*l.* 10*s.* *per cents.* shall be carried into effect by the application of the 3*l.* 5*s.* and new 3*l.* *per cents.*
18. Questions as to trusts in the 3*l.* 10*s.* *per cents.* may be decided by the Courts of Chancery or Exchequer or by the Court of Session.
19. 3*l.* 5*s.* *per cents.* and new 3*l.* *per cents.* may be accepted by Commissioners for life annuities, &c.
20. Mode of computing 3*l.* 5*s.* and new 3*l.* *per cents.* for purchase of annuities for lives or for terms of years.
21. Indemnifying the Bank of England and Ireland for acts done by their officers under this Act.
22. New stock transferable at Banks of England and Ireland may be mutually transferred, conformably to directions of 5 Geo. 4. c. 53, as altered by 6 Geo. 4. c. 79.
23. Act may be altered this session.

By this Act,

After reciting that the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having taken into serious consideration the present state of the National Debt, and being desirous of lessening the charge thereof, have resolved, that all and every person and persons, bodies politic and corporate, who now is or are or hereafter may be interested in or entitled unto any part of the National Debt redeemable by law which now carries an interest after the rate of 3*l.* 10*s.* *per centum per annum*, and known in Ireland by the several names of 3*l.* 10*s.* *per centum* old stock and government debentures, Irish 3*l.* 10*s.* *per centum* reduced annuities, and new 3*l.* 10*s.* *per centum* annuities and government debentures, and known in Great Britain by the several names of 3*l.* 10*s.* *per centum* reduced annuities, and new 3*l.* 10*s.* *per centum* annuities, the dividends of which are paid either at the Bank of England or at the Bank of Ireland respectively, and who shall not signify his, her, or their dissent in the manner hereinafter mentioned, shall for every 100*l.* of such 3*l.* 10*s.* *per centum* annuities or government debentures receive for every 100*l.* of such 3*l.* 10*s.* *per centum* annuities or government debentures 100*l.* in a new stock to be called "Three Pounds Five Shillings *per centum* Annuities," which said annuities shall continue to be paid at the rate of 3*l.* 5*s.* *per centum per annum* until the 10th of October 1854, and from and after that date the said annuities shall carry interest at the rate of 3*l.* *per centum per annum*; which said last-mentioned annuities shall not be subject to reduction until from and after the 10th of October 1874; and the dividends or interest of the said 3*l.* 5*s.* *per centum* annuities and new 3*l.* *per centum* annuities shall be paid and payable at the Bank of England or at the Bank of Ireland on the 5th of April and the 10th of October in each and every year; the first half-yearly dividend on the said 3*l.* 5*s.* *per centum* annuities shall be payable on the 5th of April 1845; and that the said 3*l.* 5*s.* *per centum* annuities

and the new 3*l.* per centum annuities respectively shall be free from all taxes, charges, and impositions, in the like manner as the said 3*l.* 10*s.* per centum annuities: And have also resolved, that the interest and dividends payable in respect of the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities shall be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: And have also resolved, that all and every person and persons, bodies politic or corporate, who shall not within the period commencing on Monday the 11th of March 1844 and ending on Saturday the 23rd of March 1844, both days inclusive, signify his, her, or their dissent from accepting and receiving a share in the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, in lieu of his, her, or their respective shares in the before-mentioned 3*l.* 10*s.* per centum annuities or government debentures, in the manner hereinafter directed, shall be deemed and taken to have consented to accept and receive the same; provided always, that if any proprietor or proprietors of the said 3*l.* 10*s.* per centum annuities shall not be within the limits of the United Kingdom at any time between Monday the 11th of March 1844 and Saturday the 23rd of March 1844, both days inclusive, but shall be in any other part of Europe, it shall be lawful for such proprietor or proprietors to signify such dissent at any time before the 2nd of June 1844; and if any such proprietor or proprietors shall not, at any time between the 11th of March 1844 and the 2nd of June 1844, be within any part of Europe, it shall be lawful for him, her, or them to signify such dissent at any time before the 1st of February 1845, such proprietor or proprietors proving to the satisfaction of the Governor or Deputy Governor of the Bank of England, or to the Governor or Deputy Governor of the Bank of Ireland, according to the Bank in which his annuities of 3*l.* 10*s.* per centum may be placed and the dividends and interest payable, his, her, or their absence from the United Kingdom or out of Europe, as above specified, and that his, her, or their share or shares of such 3*l.* 10*s.* per centum annuities stood in his, her, or their name or names respectively on the 23rd of March 1844 in the books of the Governor and Company of the Bank to which he shall signify his dissent; provided that such proprietor or proprietors so absent from the United Kingdom or out of Europe shall signify such his, her, or their dissent within ten days after his, her, or their return to the United Kingdom: And have also resolved, that provision shall be made for paying off such proprietor or proprietors of any of the said 3*l.* 10*s.* per centum annuities before mentioned as shall signify his, her, or their dissent from accepting and receiving any share in the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities in lieu thereof: And have also resolved, that all persons, bodies politic and corporate, possessed of any part of the before-mentioned 3*l.* 10*s.* per centum annuities, and who shall desire to signify such dissent as aforesaid, shall, between the 11th of March 1844 and the 23rd of March 1844, both inclusive, by themselves, or some agent or agents for that purpose duly authorized, signify to the Governor and Company of the Bank of England or to the Governor and Company of the Bank of Ireland respectively, in which their capital stock of 3*l.* 10*s.* per centum annuities may be placed such dissent in writing under his, her, or their hand or hands, together with the amount of his, her, or their respective shares in the said 3*l.* 10*s.* per centum annuities, and which said dissent shall be entered in a book or books to be opened and kept by the said Governor and Company of each of the said Banks for that purpose, and numbered in the order in which his, her, or their dissent shall be received by the said Governor and Company of either of the said Banks; and in case of any transfer of such shares, or any part or parts thereof, after such dissent, the part or parts so transferred shall be entered in the said books under the same numbers as were fixed to such shares when the dissent was so signified; and every such dissentient proprietor or proprietors, or his, her, or their assigns under such transfer, shall be paid off in such order and at such periods and in such manner as Parliament may direct: And have also resolved, that every proprietor or proprietors of the said 3*l.* 10*s.* per centum annuities the dividends and interest on which are payable the 5th of April and the 10th of October shall receive the dividend due thereupon for the half year up to the 10th of October 1844, and no longer; and every proprietor or proprietors of the said 3*l.* 10*s.* per centum annuities the dividends and interest on which are payable on the 5th of January and the 5th of July shall receive the dividend due thereupon for the half year up to the 5th of July 1844, and shall also receive one quarter's dividend thereon up to the 10th of October 1844, and no longer; and the several before-mentioned 3*l.* 10*s.* per centum annuities shall be paid off or converted into 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities in manner aforesaid from and after the 10th of October 1844; and no transfer of any of the before-mentioned 3*l.* 10*s.* per centum annuities to or from the books of the Governor and Company of the Bank of England, or to or from the books of the Governor and Company of the Bank of Ireland, shall take place from and after the 6th of March 1844: And have also resolved, that all executors, administrators, guardians, and trustees may signify such dissent in respect of such shares of any of the said 3*l.* 10*s.* per centum annuities, for the holding of which their names are made use of respectively; and all executors, administrators, guardians, and trustees not signifying such dissent shall be deemed to have assented as aforesaid, and shall be indemnified in respect thereof:—

It is Enacted,

1. That all and every person and persons, bodies politic and corporate, who now is or are or hereafter may be interested in or entitled unto any part of the National Debt, redeemable by law, which now carries an interest after the rate of 3*l.* 10*s.* per centum per annum, and known in Ireland by the several names of 3*l.* 10*s.* per centum old stock and government debentures, Irish 3*l.* 10*s.* per centum reduced annuities, and new 3*l.* 10*s.* per centum annuities and government debentures, and known in Great Britain by the several names of 3*l.* 10*s.* per centum reduced annuities and new 3*l.* 10*s.* per centum annuities, payable at the Bank of England and at the Bank of Ireland respectively, and who shall not signify his, her, or their dissent in manner hereinafter mentioned, shall, in lieu of every 100*l.* of any such 3*l.* 10*s.* per centum annuities or government debentures respectively, and so in proportion for any greater or less amount, receive and be entitled to the sum of 100*l.* in a new stock, to be called "Three Pounds Five Shillings per Centum Annuities," which said annuities shall continue to be paid at the rate of 3*l.* 5*s.* per centum per annum until the 10th of October 1854, and from and after that date the said annuities shall carry interest at the rate of 3*l.* per centum per annum; which said last-mentioned annuities shall be subject and liable to redemption at any time after the 10th of October 1874, and not before that period, and the dividends thereof shall be payable half-yearly at the Bank of England and at the Bank of Ireland on the 5th of April and the 10th of October in each and every year: the first half-yearly dividend on the said "Three Pounds Five Shillings per Centum Annuities" shall be payable at the Bank of England and at the Bank of Ireland on the 5th of April 1845; and that the said 3*l.* 5*s.* per centum annuities and the new 3*l.* per centum annuities shall be free from all taxes, charges, and impositions, in the like manner as the aforesaid 3*l.* 10*s.* per centum annuities.

11. That the interest and dividends payable in respect of the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities shall be charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same manner as the interest and dividends of the said 3*l.* 10*s.* per centum annuities and government debentures respectively now stand charged on the said fund.

111. That all and every person and persons, bodies politic or corporate, who shall not, on or before the 23rd of March 1844, signify his, her, or their dissent from accepting and receiving a share in the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, in lieu of his, her, or their respective shares in the said respective 3*l.* 10*s.* per centum annuities and government debentures, or for any part of such respective shares in such last-mentioned annuities and government debentures, in the manner hereinafter directed, shall be deemed and taken to have consented to accept and receive the same: Provided always, that if any proprietor or proprietors of the said respective 3*l.* 10*s.* per centum annuities and government debentures shall not be within the limits of the United Kingdom at any time between Monday the 11th of March 1844, and Saturday the 23rd of March 1844, both days inclusive, but shall be in any other part of Europe, it shall be lawful for such proprietor or proprietors to signify such dissent at any time before the 2nd of June 1844; and if any such proprietor or proprietors shall not, at any time between the 11th of March 1844 and the 2nd of June 1844, have been within any part of Europe, it shall be lawful for him, her, or them to signify such dissent at any time before the 1st of February 1845; such proprietor or proprietors proving, to the satisfaction of the Governor or Deputy Governor of the Bank of England or Bank of Ireland respectively, according to the bank in which the said annuities of 3*l.* 10*s.* per centum and government debentures may be placed, his, her, or their absence from the United Kingdom or out of Europe, as the case shall happen, and that his, her, or their share or shares of such 3*l.* 10*s.* per centum annuities or government debentures stood in his, her, or their name or names respectively, or in the name or names of any one or more trustee or trustees on his, her, or their behalf, on the 23rd of March 1844, in the books of the Governor and Company of the Bank of England or Bank of Ireland respectively: Provided also, that such proprietor or proprietors so absent from the United Kingdom or out of Europe shall signify his, her, or their dissent within ten days after his, her, or their return to the United Kingdom.

1v. That all persons and bodies politic or corporate possessed of any part of the respective 3*l.* 10*s.* per centum annuities or government debentures, and who shall desire to signify such dissent as aforesaid, shall, on or before the 23rd of March 1844, by themselves or some agent or agents for that purpose duly authorized, signify such dissent to the Governor and Company of the Bank of England or to the Governor and Company of the Bank of Ireland respectively, in writing under his, her, or their hand or hands, or the hand or hands of his, her, or their agent or agents authorized as aforesaid, together with the amount of his, her, or their respective shares in the said 3*l.* 10*s.* per centum annuities or government debentures, and which said dissents shall be entered in a book or books to be opened and kept by the Governor and Company of the said Banks respectively for that purpose, and shall be numbered in the order in which such dissent shall be received by such Governor and Company; and in case of any transfer of such shares or any part or parts thereof, after such dissent, the part or parts so transferred shall be entered in the books of such Governor and Company under the same numbers as were fixed to such shares when the dissent was so dignified; and every such dissentient proprietor or proprietors, or his, her, or their assigns, or the executors or administrators of such assigns, under any such transfer, shall be paid off in such order and at such periods and in such manner as Parliament may direct.

v. Provided and enacted, That it shall be lawful for the Accountants General of the Courts of Chancery in England and Ireland respectively, and also for the Accountant General of the Court of Exchequer in Ireland, and for the Accountant in Bankruptcy in England, at any time before the 8th of July 1844, to signify to the Governor and Company of the Bank of England or Ireland respectively, on behalf of any suitors or others interested in any such 3*l.* 10*s.* per centum annuities or government debentures standing in the names of such Accountants General and Accountant respectively, their dissent under this Act in respect of any of such annuities or government debentures; and general or special orders may be made in a summary way, either upon application by motion or petition of suitors or persons interested, or upon motion by Her Majesty's Attorney General, or otherwise, by the said Courts respectively, in respect of any such annuities or government debentures, either as to signifying or not signifying any such dissents, or as to any other matter or thing relating to any such annuities or government debentures, or the dividends thereof, or to any 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities which may be created in lieu thereof, or to the application of any such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, or the dividends thereof; and no application, petition, or affidavit made by or on behalf of any suitor or other person interested in any of such annuities or the dividends thereof respectively, or order or report made or other proceeding had in either of the said courts respectively, in consequence of this Act, or which may arise out of any of the provisions of this Act, in relation to the said 3*l.* 10*s.* per centum annuities or government debentures respectively, or any part or share or shares thereof, standing in the names of the said Accountants General of the said courts and Accountant respectively, or in relation to any 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities which may be created under this Act, and hereafter stand in the names of the said Accountants General and Accountant respectively, in lieu of the said 3*l.* 10*s.* per centum annuities or government debentures before standing in their names respectively, or the dividends of such respective annuities or government debentures, nor any copy or copies of such application, petition, affidavit, order, report, or other proceeding, shall be subject or liable to be stamped, or charged or chargeable with any stamp duties whatever, anything in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General and Accountant respectively shall be deemed and taken to have consented to accept and receive shares in the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities in lieu of all such 3*l.* 10*s.* per centum annuities or government debentures standing in their names respectively as to which no such dissent shall have been signified by them respectively as aforesaid; and the said Accountants General and Accountant respectively shall be and are hereby fully indemnified against all actions, suits, or proceedings for or in respect of any act, matter or thing done by them respectively in pursuance of or under any of the provisions of this Act, and also for and in respect of their respectively not signifying in any case such their dissent as aforesaid; and in case any action, suit, or other proceeding be commenced or instituted against the said Accountants General and Accountant, or either of them, for or in respect of any such act, matter, or thing, or not signifying any dissent as aforesaid, it shall and may be lawful for the Court in which such action, suit, or pro-

ceeding shall be commenced or shall be pending, upon summary application, to stay, and such court is hereby required to stay, such action, suit, or proceeding, and to make such order relative to the costs thereof as such Court shall think expedient.

VI. That all executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics, who as such shall have the controul over any shares of the said respective 3*l.* 10*s.* per centum annuities or government debentures standing either in their own names or in the name or names of any testator or intestate, or of any infant or infants or idiot or lunatic, may, if residing within the United Kingdom, signify such dissent as aforesaid to the Governor and Company of the Bank of England or to the Governor and Company of the Bank of Ireland respectively at any time before the 20th of April 1844; and if either of any two or more of any such executors, administrators, guardians, trustees, or committees shall reside out of the United Kingdom, the period within which such dissent may be signified shall be regulated by the residence of the most distant of such executors, administrators, guardians, trustees, or committees, in each case; and all executors, administrators, guardians, trustees, and committees not signifying such dissent within the periods specified in this Act, according to such residence, shall be deemed and taken to have assented to accept and receive a share in the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, and they are hereby severally and respectively indemnified for not signifying such dissent under this Act.

VII. That every person who shall be entitled to receive the dividends upon any such 3*l.* 10*s.* per centum annuities or government debentures transferable at the Bank of England or Ireland the dividends and interest on which are payable on the 5th of April and the 10th of October shall receive the dividends due thereupon for the half year up to the 10th of October 1844, and no longer; and every person who shall be entitled to receive the dividends upon any such 3*l.* 10*s.* per centum annuities or government debentures the dividends and interest on which are payable on the 5th of January and the 5th of July shall receive the dividend due thereupon for the half year up to the 5th of July 1844, and shall also receive one quarter's dividend thereon up to the 10th of October 1844, and no longer; and the said respective 3*l.* 10*s.* per centum annuities or government debentures shall be paid off or converted into 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities in manner aforesaid from and after the 10th of October 1844; and every transfer of any of the said annuities at the rate of 3*l.* 10*s.* per centum per annum which may have taken place to or from the books of the Governor and Company of the Bank of England from or to the books of the Governor and Company of the Bank of Ireland at any time from and after the 6th of March 1844 shall be and the same is hereby declared to be null and void.

VIII. That it shall and may be lawful for the Governor and Company of the Bank of England or Ireland respectively, at any time on or before the 20th of April 1844, to open books for writing up and receiving the entry into the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities of any of the 3*l.* 10*s.* per centum annuities or government debentures before described, belonging to any proprietor or proprietors who may not have expressed his, her, or their dissent from receiving such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, and who may be desirous of converting his, her, or their 3*l.* 10*s.* per centum annuities or government debentures into the said annuities at the rate of 3*l.* 5*s.* per centum per annum and new 3*l.* per centum annuities; but the dividend or dividends of the said 3*l.* 10*s.* per centum annuities or government debentures which would become due on the 5th of July 1844 or on the 10th of October 1844, at the Banks of England and Ireland respectively, shall be paid and payable to the person or persons in whose name such 3*l.* 10*s.* per centum annuities or government debentures stood immediately before they were so converted into 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities; and the first half-yearly dividend of such 3*l.* 5*s.* per centum annuities shall not become due until the 5th of April 1845.

And for the more easy and sure payment of the annuities established by this Act;—

It is Enacted,

IX. That the Governor and Company of the Bank of England and the Governor and Company of the Bank of Ireland respectively, and their successors, shall from time to time employ their chief or first cashier or cashiers and their accountant general in the execution of this Act; and the monies from time to time necessary for the payment of the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities shall, by order of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, or the Lord High Treasurer for the time being, without any further warrant to be sued for, had, or obtained in that behalf, be issued and paid at the receipt of the Exchequer in England or Ireland to the said first or chief cashier or cashiers of the said Governor and Company of the Bank of England or of the Bank of Ireland, and their successors for the time being, by way of imprest and upon account for the payment of the said annuities; and every such cashier or cashiers to whom the said monies shall from time to time be issued shall from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the Exchequer in England and Ireland respectively.

X. That the Accountant General for the time being of the Bank of England or Bank of Ireland respectively shall from time to time inspect and examine all receipts and payments of the cashier or cashiers of the said banks respectively, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

XI. That the said several annuities after the rate of 3*l.* 5*s.* per centum created by virtue of this Act, and also by virtue of another Act passed in this present session of Parliament, intituled, 'An Act for transferring Three Pounds Ten Shillings per Centum per Annum Annuities One Thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per annum Annuities,' shall be deemed, reputed, and taken to be one capital or joint stock; and that all and every person and persons, and bodies politic and corporate, whatsoever, shall have and be deemed to have a proportional interest and share in such stock, and in the annuity attending the same respectively, at the rates aforesaid; and that such capital or joint stock, or any share or interest therein, and the proportional annuity attending the same respectively, shall be assignable and transferable as this Act directs, and not otherwise; and that there shall constantly be kept in the office of the Accountant General for the time being of the Banks of England and Ireland respectively a book or books wherein all assignments or transfers of such capital or joint stock, or any part thereof, and the proportional

annuity attending the same, at the rates aforesaid, shall be respectively entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or if any such party or parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorized by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that any person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring any such stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law; and that no stamp duties whatsoever shall be charged on the said transfers or any of them.

XII. That all persons and corporations entitled to any such annuity or annuities of 3*l.* 5*s.* per centum and new 3*l.* per centum annuities created by this Act, and their administrators, successors, and assigns respectively, and all persons and corporations lawfully claiming under them, shall have good, sure, absolute, and indefeasible estates and interests in the said respective annuities, according to the true tenor and meaning of this Act, and shall be possessed thereof as of a personal estate, devisable as such, and which shall not be descendible to heirs, nor liable to any foreign attachment, by the custom of London or otherwise; any law, custom, or usage to the contrary notwithstanding; but no payment shall be made nor any transfer allowed upon any devise until such devise shall have been duly entered at the Bank of England or Bank of Ireland respectively, as the case may require.

XIII. That all powers of attorney which shall be in force at the time of passing this Act, and which would have remained in force if this Act had not passed, for the receipt of dividends, or for sale or transfer of any such 3*l.* 10*s.* per centum annuities or government debentures which shall under or by virtue of this Act be converted into the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, shall continue and remain in full force and effect for receiving the dividends which shall become due on the 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities created by this Act in lieu thereof, or for selling or transferring any such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, and also for receiving dividends on any further sum of such 3*l.* 5*s.* and new 3*l.* per centum annuities which the parties by whom such letters of attorney were given may hereafter purchase or acquire, until such powers are revoked or otherwise determined.

XIV. That as soon after the expiration of the respective periods allowed by this Act for signifying any dissent under this Act as the same can be done certificates shall be from time to time made out, and transmitted to the Commissioners for the Reduction of the National Debt in London, by the proper officer or officers of the Bank of England and Bank of Ireland respectively, of the amount of any such 3*l.* 10*s.* per centum annuities or government debentures which shall have been exchanged into 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, or paid off under the provisions of this Act, and of the annual interest which shall have ceased thereby, and also of the capital amount of such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities created by such exchange, and of the annual interest thereon.

XV. That in every case in which any person or persons shall at the time of the passing of this Act be or remain bound by the condition of any bond or obligation, or by the terms of any instrument in writing, or by any agreement or contract, to transfer any amount of capital stock in the said 3*l.* 10*s.* per centum annuities, the condition of every such bond or obligation, or the terms of any such instrument in writing, or agreement or contract, shall be deemed in law and equity to be satisfied by making a transfer of an equal amount of capital stock in the 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities; and that where any party is by the condition of any such bond or obligation, or the terms of any such instrument in writing, or agreement or contract, bound or required to pay half yearly sums equal to the dividends on any specified amount of any such 3*l.* 10*s.* per centum annuities respectively, every such bond, obligation, instrument, agreement, or contract shall be satisfied by payment of half-yearly sums equal to the dividends of or upon the same amount of the said 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities.

XVI. Provided and enacted, That in every case in which any such 3*l.* 10*s.* per centum annuities respectively shall have been transferred in the way of loan upon any condition in any bond or instrument or under or upon any agreement or contract for the repayment of such loan by the replacing the amount of stock so transferred, it shall be lawful for the person or persons who shall have made any such loan, or their executors, administrators, or assigns, to declare an option, and give notice thereof in writing, and thereby require the repayment of 100*l.* of lawful money of the United Kingdom for every 100*l.* capital stock of such 3*l.* 10*s.* per centum annuities, transferable at the Bank of England or Bank of Ireland, so transferred in the way of loan as aforesaid, and so in proportion for any greater or less amount; and every bond, obligation, instrument, agreement, or contract, given, entered into, or made upon any such loan or contract, shall be deemed in every such case, in law and in equity, to entitle the person or persons, his, her, or their executors, administrators, or assigns, to such repayment in money, and to demand and recover the same in any court in which any action, suit, process, or proceeding may be brought, instituted, or carried on, upon any such bond, obligation, instrument, agreement, or contract, anything in any such bond, or obligation, agreement, or contract, to the contrary notwithstanding.

XVII. That all trusts, whether created by will or otherwise, and which existed either in the whole or in part, and all directions contained in any will or devise or testamentary paper, which remain unexecuted at the time of the passing of this Act, as to any such 3*l.* 10*s.* per centum annuities or government debentures which may under this Act be converted into 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities, or as to the payment or distribution of any dividends thereon, or as to the transfer of any such annuities or government debentures, in any events specified in any such trusts or will or testamentary paper, shall extend, and be deemed and construed in all cases, and in all courts of law and equity in the United Kingdom, or elsewhere in any dominions or territories belonging to Her Majesty, to extend and to apply to all such 3*l.* 5*s.* per centum annuities and new 3*l.* per centum annuities created in lieu of any such 3*l.* 10*s.* per centum annuities or government debentures, subject to or affected by any such trusts or devises, or wills or testamentary papers, for all purposes and in all cases in which such trusts or to which any such directions can be made applicable: Provided always, that in all cases in which any proportions or parts of any such 3*l.* 10*s.* per centum annuities or government debentures are required to be transferred under any such trusts, or under the provisions of or directions contained in any will, devise, or testamentary paper, or any proper-

tion or part of any dividends arising from and out of any such 3*l*. 10*s*. per centum annuities or government debentures are required to be paid or distributed, the transfer of a like amount of 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, and the payment and distribution of the dividends at the rate of 3*l*. 5*s*. per centum and 3*l*. per centum instead of 3*l*. 10*s*. per centum upon the capital, shall be and be deemed and taken in all courts and for all purposes to be a due execution of such trusts, or of the directions contained in any will or testamentary paper, and shall fully discharge the trustee or executor or executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such execution of any such trusts and executorship as aforesaid.

XVIII. That in every case in which any question may have arisen or may arise upon the execution of any trusts, or upon any distributions which may have been or may be made or may remain to be made, by any trustees, executors, or administrators, or in relation to or arising out of any such 3*l*. 10*s*. per centum annuities or government debentures, or of any parts or proportions of any such 3*l*. 10*s*. per centum annuities or government debentures which may have been vested in any trustees, or which may have been distributable by any executors or administrators, or as to the application of any residue thereof, or as to the distribution or application of any 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities transferred under the provisions of this Act, in lieu of any 3*l*. 10*s*. per centum annuities or government debentures, whether as to the powers or authorities of any such trustees, executors, or administrators, or as to the relative interest of any persons entitled under any such trust or under wills to receive any annuities charged upon or arising or payable out of the proceeds of any such 3*l*. 10*s*. per centum annuities or government debentures, and of any persons interested in any residue of any such 3*l*. 10*s*. per centum annuities or government debentures, whether under any specific provision relating to any such trusts, or contained in any wills, or arising out of the execution of any wills by any executors, or the distribution of any estates by any administrators, and in all other cases whatsoever in which any question may arise, in consequence of the transfer of any such 3*l*. 10*s*. per centum annuities or government debentures into 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, it shall be lawful for any such trustees, executors, or administrators, and for persons entitled to or interested in any such 3*l*. 10*s*. per centum annuities or government debentures, or any 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities created in lieu thereof, or in any proceeds of any such annuities, whether in reversion or otherwise, to make application to the High Court of Chancery in England, or to the High Court of Chancery or Court of Exchequer in Ireland respectively, or the Court of Session in Scotland, in a summary way, either by motion or petition; and it shall be lawful for the said High Courts of Chancery or Court of Exchequer in England or Ireland respectively, or for the Court of Session in Scotland, to make general orders in relation to any such question or special orders in a summary way, upon any such application, or as to any other matter or thing relating to any such annuities, or to any dividends thereof, or to any 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities which may be created in lieu thereof, or to the application of any such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities, or any dividends thereof; and no application, petition, or affidavit made by or on behalf of any trustees, executors, or administrators, or trustee, executor, or administrator, or other person or persons interested in any of such annuities, or any dividends thereof respectively, nor any order or report made or other proceeding had in any or either of the said courts respectively, in consequence of any question which may arise out of any of the provisions of this Act in relation to the 3*l*. 10*s*. per centum annuities or government debentures, or any part or share or shares thereof, or in relation to any 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities which may be created under this Act in lieu of the said 3*l*. 10*s*. per centum annuities or government debentures, or the dividends of such respective annuities, nor any copy or copies of such application, petition, affidavit, order, report, or other proceeding, shall be subject or liable to be stamped, or charged or chargeable with any stamp duties whatever, anything in any Act or Acts of Parliament to the contrary notwithstanding; and all trustees, executors, administrators, and other persons acting under any orders made by any or either of such Courts respectively, or whose acts shall be confirmed by any or either of such Courts respectively, if done before any application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all actions, suits, or proceedings for or in respect of any act, matter, or thing done by them respectively in pursuance of or under any such order, or which shall be confirmed by any such order; and in case any action, suit, or other proceeding be commenced or instituted against any such trustee, executor, administrator, or other person, for or in respect of any such act, matter, or thing, it shall be lawful for the Court in which such action, suit, or proceeding shall be commenced or shall be pending, upon summary application, to stay, and such Court is hereby required to stay, such action, suit, or proceeding, and to make such order relative to the costs thereof as such Court shall think expedient.

XIX. That it shall be lawful for the Commissioners for the Reduction of the National Debt and they are hereby empowered and required to accept and receive 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities created by this Act as the consideration for the purchase of life annuities and annuities for a certain term of years respectively; and for the purpose of ascertaining the price of such stock or annuities the cashier or cashiers of the Bank of England shall and they are hereby required, on every day on which any of the said annuities shall have been bought at the Bank of England, to cause an account to be made out of the average price thereof according to the regulations prescribed by any Act or Acts now in force for ascertaining the average price of 3*l*. per centum bank annuities for enabling the purchase of life annuities and annuities for a certain term of years, which said account shall be transmitted to the officer appointed by the said Commissioners, to enable him to ascertain the respective amounts of the like annuities which may be purchased by the transfer of such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities as aforesaid.

XX. That when any 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities shall be transferred to the said Commissioners, for the purchase of life annuities or for annuities for a certain term of years, that such 3*l*. 5*s*. per centum annuities and new 3*l*. per centum annuities shall be first converted, by the computation of the said officers, into 3*l*. per centum consolidated or reduced bank annuities, according to the average price of those stocks, to be ascertained as hereinbefore directed; and the life annuities and annuities for a certain term of years to be granted thereon shall be calculated and ascertained upon the amount of 3*l*. per centum bank annuities, including fractions, (if any), produced by such conversion, according to the provisions, rules, and regulations prescribed by any Act or Acts now in force enabling the said Commissioners to grant life annuities and annuities for a certain term of years.

xxi. That this Act shall be and the same is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and to the Governor and Company of the Bank of Ireland, their officers and servants, and every of them, for all things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any court of law or equity whatsoever to their prejudice or detriment.

xxii. That it shall and may be lawful for any person who shall at any time hold any stock in the 3*l*. 5*s*. per centum annuities or in the new 3*l*. per centum annuities created by this Act, transferable at the Bank of Ireland, to transfer or cause to be transferred any such annuities respectively, for the purpose of having corresponding sums written into and consolidated with and made part of the capital of the like annuities respectively transferable at the Bank of England; and in like manner it shall be lawful for any person who shall at any time hold any stock in the said 3*l*. 5*s*. per centum annuities or in the new 3*l*. per centum annuities created by this Act, transferable at the Bank of England, to transfer or cause to be transferred any such annuities respectively, for the purpose of having corresponding sums written into and consolidated with and made part of the capital of the like annuities respectively transferable at the Bank of Ireland; and all such transfers shall be made on the terms and conditions, and subject to all the clauses, directions, and regulations contained in an Act, 5 Geo. 4. c. 53, intituled 'An Act to permit the mutual Transfer of Capital in certain public Stock or Funds transferable at the Banks of England and Ireland respectively,' as the same is altered or affected by an Act, 6 Geo. 4. c. 79, intituled 'An Act to provide for the Assimilation of the Currency and Monies of Account throughout the United Kingdom of Great Britain and Ireland;' and all clauses and provisions of the said Acts relating to any funds, stocks, or annuities shall extend and be construed to extend to the annuities created by this Act, in like manner as if the said annuities had been specified in the said recited Acts or either of them.

xxiii. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. VI.

AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-four.

(22nd March 1844.)

By this Act, the Commons grant, and it is Enacted,

- i. That there shall be applied, for the service of the year 1844, the sum of Eight Millions out of the Consolidated Fund.
- ii. The Treasury may cause Eight Millions of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66.
- iii. The clauses, &c. in recited Acts extended to this Act.
- iv. Interest on Exchequer bills.
- v. Bank of England may advance Eight Millions on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- vi. Bills prepared by virtue of this Act to be delivered to the Bank, as security for such advances.
- vii. Monies raised by bills to be applied to the services voted by the Commons.
- viii. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.

CAP. VII.

AN ACT to indemnify Witnesses who may give Evidence during this Session before either House of Parliament touching Gaming Transactions.

(22nd March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *All persons implicated in gaming transactions who may be examined before any select committee of the Lords or Commons, and shall make a faithful disclosure, indemnified.*
2. *Witnesses not to be indemnified unless they shall have a certificate of having made a faithful disclosure.*
3. *Act may be amended this session.*

By this Act,

After reciting that a select committee of the Lords House of Parliament was appointed, on the 5th of February in this year, to inquire into the laws respecting gaming: And that it is expedient to enable the said committee, or any other committee of either House of Parliament which has been or may be appointed in this session of Parliament, or either of the said Houses of Parliament, at its bar, to examine witnesses in proof of the operation of the laws touching gaming, and to indemnify such persons upon their making such true and faithful disclosure and discovery as hereinafter mentioned:—

It is Enacted,

I. That for the more effectually prosecuting any such inquiry, every person who may have been implicated or engaged in any gaming transaction, or any transaction connected with gaming, and who during this session of Parliament shall be examined as a witness at the bar, or before any select committee of the Lords Spiritual and Temporal, or of the Commons, touching such transaction, and who shall upon such examination make a true and faithful discovery and disclosure, to the best of his or her knowledge, touching all acts, matters, and things to which he or she shall be so examined, shall be by virtue of this Act freed, indemnified, and discharged of, from, and against all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the suit of Her Majesty, her heirs or successors, or any other person, for or by reason or means of or in relation to any act, matter, or thing done or committed by such person or persons in respect of such alleged transaction, save and except any penal action or criminal prosecution which was commenced before the said 5th of February, and the forfeitures, punishments, disabilities, and incapacities consequent upon any judgment given in any such penal action or criminal prosecution as last aforesaid.

II. Provided and enacted, That no such witness shall be indemnified under this Act unless he or she shall receive from the Lord Chancellor or the Speaker of the House of Commons, or the chairman of such committee, a certificate in writing stating that such witness has, upon his or her examination, made a true and faithful disclosure touching all acts and matters to which he or she has been so examined, which said certificates the Lord Chancellor or the Speaker or the chairman of such committee shall be authorized to give; and if any action, information, or indictment shall at any time be pending in any court, in respect of such transaction, against any person or persons who shall have been so examined as a witness or witnesses in manner above mentioned, such Court shall, on the production and proof of such certificate or certificates, stay the proceedings in any such action, indictment, or information, and may, in its discretion, award to any such person or persons such costs as he, she, or they may have been put to by such action, information, or indictment.

III. That this Act may be altered or amended by any Act to be passed during this present session of Parliament.

CAP. VIII.—IRELAND.

AN ACT to facilitate the Recovery, by summary Process, of small Sums due to the Teachers of Schools in Ireland.

(22nd March 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Sums due to teachers of schools recoverable as wages under recited Act.
2. Act to extend only to Ireland.

By this Act,

After reciting that by 54 Geo. 3. c. 116, intituled 'An Act to repeal the several Laws for Recovery of small Sums due for Wages in Ireland, and to make other Provisions for Recovery of such Wages,' Justices of the Peace and Chief Magistrates, within their respective jurisdictions, are authorized to hear complaints respecting the non-payment of wages, not exceeding 6s., and to adjudicate thereon by summary process: And that doubts have been entertained how far the sums recoverable by teachers of schools in Ireland come within the provisions of the said Act, and can be so recovered; and it is expedient that such doubts be removed:—

It is Enacted,

I. That all sums due, agreed to be paid, or payable to any teacher of a school for instruction given therein shall be recoverable in the same way, by summary process, in the same manner and subject to the same conditions and limitations as are contained in the said hereinbefore recited Act in respect to wages.

II. That this Act shall apply only to that part of the United Kingdom called Ireland.

CAP. IX.

AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
 (2nd April 1844.)

This Act contains the following clauses :—

- i. Number of the forces to consist of 100,295 men, exclusive of the officers and men belonging to the regiments employed in the territorial possessions of the East India Company, but including the officers and men of the troops and companies recruiting for those regiments.—Crimes punishable by death.
- ii. The ordinary course of law not to be interfered with.
- iii. Soldiers not to be taken away from the service for debts under 30*l*.
- iv. The Queen may make articles of war in conformity with this Act.
- v. Constitution of courts-martial.
- vi. Composition of general courts-martial.
- vii. Powers of general courts-martial.
- viii. Trial by general court-martial for embezzlement.
- ix. Powers of district or garrison courts-martial.
- x. Regimental courts-martial.
- xi. Forfeiture of pay and pension by desertion or felony; and marking a deserter.
- xii. Powers of a detachment court-martial out of Her Majesty's dominions.
- xiii. Mixture of officers upon courts-martial.
- xiv. Power to administer oaths.
- xv. Proceedings of courts-martial.
- xvi. Appeal.
- xvii. Report of proceedings of general, district, or garrison courts-martial.
- xviii. Transportation from the United Kingdom.
- xix. Transportation from the colonies.
- xx. Offences against former Mutiny Acts may be tried under this Act.
- xxi. Subsequent enlistment no protection from punishment for desertion.
- xxii. Apprehension of deserters.
- xxiii. Fraudulent confession of desertion.
- xxiv. Recruits deserting liable to be transferred to the nearest regiment or dépôt.
- xxv. Penalty for inducing or assisting to desert.
- xxvi. Penalty for forcible entry.
- xxvii. Soldiers sentenced to imprisonment to undergo sentence in such prison as the officer commanding the district, &c. may direct.—Proviso for removal of prisoners.
- xxviii. Secretary at War may set apart forts, barracks, &c. as military prisons, and appoint officers, and make rules and regulations for the government of the same.
- xxix. Custody of offenders under a military sentence.
- xxx. Subsistence of soldiers, and custody and subsistence of deserters, in gaols, &c.
- xxxi. Notice of expiration of imprisonment.
- xxxii. Persons subject to this Act.
- xxxiii. Foreign troops in this country.
- xxxiv. Militia and yeomanry.
- xxxv. Act to extend to Jersey, Guernsey, &c.
- xxxvi. Enlisting and swearing of recruits.
- xxxvii. Dissent and relief from enlistment.
- xxxviii. Offences connected with enlistment.
- xxxix. Penalty on officers offending against laws regarding enlistment.
- xl. Enlistment and re-enlistment abroad.
- xli. Enlistment of negroes.
- xlii. Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.
- xliii. Claims of masters to apprentices.
- xliv. Punishment of apprentices enlisting.
- xlv. Musters, and penalty on false musters.

- XLVI. Forfeiture of pay.
- XLVII. Extension of furlough in case of sickness.
- XLVIII. Marching money on discharge.
- XLIX. Commissaries to attest their accounts.
- L. Issue of pay of the army.
- LI. Penalty for disobedience by agents.
- LII. How and where troops may be billeted.
- LIII. Billetting the guards in and near Westminster.
- LIV. Military officers not to act as Justices in billeting.
- LV. Allowance to innkeepers.
- LVI. Definition of terms—Powers and regulations as to billets.—Exemptions from billets.
- LVII. Supply of carriages.
- LVIII. Rates to be paid for carriages, and regulations relating thereto.
- LIX. Supply of carriages in cases of emergency.
- LI. Justices empowered to reimburse constables for sums expended by them.
- LXI. Routes in Ireland.
- LXII. Tolls.
- LXIII. Ferries.
- LXIV. Penalties upon civil subjects offending against the laws relating to billets and carriages.
- LXV. Penalties upon the military so offending.
- LXVI. Penalty on purchasing soldiers' necessaries, stores, &c.
- LXVII. Penalty on unlawful recruiting.
- LXVIII. Penalty on trafficking in commissions.
- LXIX. Penalty on killing game.
- LXX. Officers not liable to take parish apprentices.
- LXXI. Mode of recording a soldier's settlement.
- LXXII. Notification to parishes of good or bad conduct of soldiers.
- LXXIII. Wages of servants enlisting.
- LXXIV. Licences of canteens.
- LXXV. Attestation of accounts.
- LXXVI. Form of actions at law.
- LXXVII. Recovery of penalties.
- LXXVIII. Appropriation of penalties.
- LXXIX. Administration of oaths.—Perjury.
- LXXX. Duration of the Act.
- LXXXI. Alteration of the Act.

CAP. X.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-five.

(2nd April 1844.)

This ACT contains the following clauses:—

- I. Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further time.
- II. Indemnity to those who have omitted to make and subscribe the oath and declaration required by the Irish Act of 2 Anne.
- III. Not to indemnify persons against whom final judgment has been given.
- IV. Not to exempt Justices acting without legal qualification.
- V. Admissions to corporations may be stamped after the time allowed.
- VI. Not to restore persons to any office avoided by judgment.
- VII. General issue.

CAP. XI.

AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on shore.

(2nd April 1844.)

This Act contains the following clauses:—

- I. Crimes punishable by death.
- II. The ordinary course of law not to be interfered with.
- III. Marines not to be taken away from the service for debts under 30*l*.
- IV. Lord High Admiral, &c. may make articles for the punishment of mutiny, desertion, &c.
- V. Lord High Admiral, &c. may grant commissions for holding general courts-martial, &c.
- VI. Composition of general courts-martial.
- VII. Courts-martial to administer oaths.
- VIII. Proceedings of courts-martial.
- IX. Officers of the marine and land forces may sit in conjunction on courts-martial.
- X. General courts-martial may sentence offenders to imprisonment, &c.
- XI. District or garrison courts-martial.
- XII. If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.
- XIII. Divisional courts-martial.
- XIV. Detachment courts-martial.
- XV. Marking a deserter.
- XVI. Trial and punishment for embezzlement.
- XVII. Witnesses.
- XVIII. Transportation of offenders.
- XIX. Disposal of convict after sentence of transportation.
- XX. Marines sentenced to imprisonment to undergo sentence in such prison as the Court, &c. shall appoint.—Discharge or removal of prisoners.
- XXI. Military prisons established under Act for punishing mutiny and desertion to be deemed public prisons.
- XXII. Term of imprisonment of offenders.
- XXIII. Place of confinement of offenders may be changed.
- XXIV. Offenders against former Mutiny Acts may be tried under this Act.—Limitation as to time.
- XXV. Appeal.—Revision of sentence.
- XXVI. Forfeiture of pay.
- XXVII. Reports of proceedings of courts-martial.
- XXVIII. Subsequent enlistment no protection from punishment for desertion.
- XXIX. Apprehension of deserters.
- XXX. Fraudulent confession of desertion.
- XXXI. Reward for apprehending marines attempting to desert.
- XXXII. Penalty for inducing or assisting to desert.
- XXXIII. Custody and subsistence of deserters.
- XXXIV. Notice of expiration of imprisonment.
- XXXV. Penalty for forcible entry.
- XXXVI. Enlisting and swearing of recruits.
- XXXVII. Dissent and relief from enlistment.
- XXXVIII. Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.
- XXXIX. Punishment of apprentices enlisting.
- XL. Offences connected with enlistment.
- XLI. Yearly servants enlisting to be entitled to a proportion of their wages.
- XLII. Penalty on officers offending as to enlistment.
- XLIII. Claims of masters to apprentices.
- XLIV. Musters, and penalty on false musters.
- XLV. Verifying of muster roll.

- XLVI. Extension of furlough in case of sickness.
- XLVII. Marching money on discharge.
- XLVIII. Billeting of marines.
- XLIX. Allowance to innkeepers.
- L. Supply of carriages.
- LI. Rates for carriages.
- LII. Providing for supply of carriages, &c. in cases of emergency.
- LIII. Justices of Peace to direct payment of sums expended for carriages, &c.
- LIV. Lord Lieutenant of Ireland may depute persons to sign routes.
- LV. Exemption from tolls.
- LVI. Penalties upon civil subjects offending against the laws relating to billets and carriages.
- LVII. Penalty upon officers of marines so offending.
- LVIII. Penalty for purchasing clothes, &c. from any marine.
- LIX. Penalty on officers killing game.
- LX. Officers not liable to take parish apprentices.
- LXI. Mode of recording a marine's settlement.
- LXII. Administration of oaths.—Perjury.
- LXIII. Licences of canteens.
- LXIV. Limitation of actions.
- LXV. Recovery of penalties.
- LXVI. Appropriation of penalties.
- LXVII. Definition of terms. Marines not to be billeted in private houses, &c.
- LXVIII. Notification to parishes of good or bad conduct of marines.
- LXIX. Marines to be subject to the discipline of the navy while on board ship.
- LXX. Duration of Act.
- LXXI. Act may be amended.

CAP. XII.

AN ACT to amend the Law relating to International Copyright.

(10th May 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of International Copyright Act.*
2. *Her Majesty, by Order in Council, may direct that authors, &c. of works first published in foreign countries shall have copyright therein within Her Majesty's dominions.*
3. *If the order applies to books, the copyright law as to books first published in this country shall apply to the books to which the order relates, with certain exceptions.*
4. *If the order applies to prints, sculptures, &c., the copyright law as to prints or sculptures first published in this country shall apply to the prints, sculptures, &c. to which such order relates.*
5. *Her Majesty may, by Order in Council, direct that authors and composers of dramatic pieces and musical compositions first publicly represented and performed in foreign countries shall have similar rights in the British dominions.*
6. *Particulars to be observed as to registry and to delivery of copies.*
7. *In case of books published anonymously, the name of the publisher to be sufficient.*
8. *The provisions of the Copyright Amendment Act as regards entries in the register book of the Company of Stationers, &c. to apply to entries under this Act.*
9. *As to expunging or varying entry grounded in wrongful first publication.*
10. *Copies of books wherein copyright is subsisting under this Act printed in foreign countries other than those wherein the book was first published prohibited to be imported.*
11. *Officer of Stationers Company to deposit books, &c. in the British Museum.*
12. *Second or subsequent editions.*
13. *Orders in Council may specify different periods for different foreign countries and for different classes of works.*
14. *No Order in Council to have any effect unless it states that reciprocal protection is secured.*
15. *Orders in Council to be published in Gazette, and to have same effect as this Act.*
16. *Orders in Council to be laid before Parliament.*

17. *Orders in Council may be revoked.*
18. *Translations.*
19. *Authors of works first published in foreign countries not entitled to copyright except under this Act.*
20. *Interpretation clause.*
21. *Act may be repealed this session.*

By this Act,

After reciting that by 1 & 2 Vict. c. 59, (and which Act is hereinafter, for the sake of perspicuity, designated as "the International Copyright Act,") Her Majesty was empowered by Order in Council to direct that the authors of books which should after a future time, to be specified in such Order in Council, be published in any foreign country, to be specified in such Order in Council, and their executors, administrators, and assigns, should have the sole liberty of printing and reprinting such books within the British dominions for such term as Her Majesty should by such Order in Council direct, not exceeding the term which authors, being British subjects, were then, (that is to say,) at the time of passing the said Act, entitled to in respect of books first published in the United Kingdom; and the said Act contains divers enactments securing to authors and their representatives the copyright in the books to which any such Order in Council should extend: And the passing of 5 & 6 Vict. c. 45, (and which Act is hereinafter, for the sake of perspicuity, designated as "the Copyright Amendment Act,") repealing various Acts therein mentioned relating to the copyright of printed books, and extending, defining, and securing to authors and their representatives the copyright of books: And the passing of 3 & 4 Will. 4. c. 15, (and which Act is hereinafter, for the sake of perspicuity, designated as "the Dramatic Literary Property Act,") whereby the sole liberty of representing or causing to be represented any dramatic piece in any place of dramatic entertainment in any part of the British dominions, which should be composed and not printed or published by the author thereof or his assignee, was secured to such author or his assignee; and by the said Act it was enacted, that the author of any such production which should thereafter be printed and published, or his assignee, should have the like sole liberty of representation until the end of twenty-eight years from the first publication thereof: And that by the said Copyright Amendment Act the provisions of the said Dramatic Literary Property Act and of the said Copyright Amendment Act were made applicable to musical compositions; and it was thereby also enacted, that the sole liberty of representing or performing, or causing or permitting to be represented or performed, in any part of the British dominions, any dramatic piece or musical composition, should endure and be the property of the author thereof and his assigns for the term in the said Copyright Amendment Act provided for the duration of the copyright in books, and that the provisions therein enacted in respect of the property of such copyright should apply to the liberty of representing or performing any dramatic piece or musical composition; and that under or by virtue of the four several Acts next hereinafter mentioned, (that is to say,) 8 Geo. 2. c. 13, 7 Geo. 3. c. 38, 17 Geo. 3. c. 57, 6 & 7 Will. 4. c. 59, (and which said four several Acts are hereinafter, for the sake of perspicuity, designated as the Engraving Copyright Acts;) every person who invents or designs, engraves, etches, or works in mezzotinto, or chiaro-oscuro, or from his own work, design, or invention, causes or procures to be designed, engraved, etched, or worked in mezzotinto or chiaro-oscuro any historical print or prints or any print or prints of any portrait, conversation, landscape, or architecture, map, chart, or plan, or any other print or prints whatsoever, and every person who engraves, etches, or works in mezzotinto or chiaro-oscuro, or causes to be engraved, etched, or worked, any print taken from any picture, drawing, model, or sculpture, either ancient or modern, notwithstanding such print shall not have been graven or drawn from the original design of such graver, etcher, or draftsman, is entitled to the copyright of such print for the term of twenty-eight years from the first publishing thereof; and by the said several Engraving Copyright Acts it is provided, that the name of the proprietor shall be truly engraved on each plate, and printed on every such print, and remedies are provided for the infringement of such copyright: and that under and by virtue of 38 Geo. 3. c. 71, and 54 Geo. 3. c. 56, (and which said Acts are, for the sake of perspicuity, hereinafter designated as the Sculpture Copyright Acts,) every person who makes or causes to be made any new and original sculpture, or model or copy or cast of the human figure, any bust or part of the human figure clothed in drapery or otherwise, any animal or part of any animal combined with the human figure or otherwise, any subject, being matter of invention in sculpture, any alto or basso relievo, representing any of the matters aforesaid, or any cast from nature of the human figure or part thereof, or of any animal or part thereof, or of any such subject representing any of the matters aforesaid, whether separate or combined, is entitled to the copyright in such new and original sculpture, model, copy, and cast, for fourteen years from first putting forth and publishing the same, and for an additional period of fourteen years in case the original maker is living at the end of the first period; and by the said Acts it is provided, that the name of the proprietor, with the date of the publication thereof, is to be put on all such sculptures, models, copies, and casts, and remedies are provided for the infringement of such copyright: And that the powers vested in Her Majesty by the said International Copyright Act are insufficient to enable Her Majesty to confer upon authors of books first published in foreign countries copyright of the like duration, and with the like remedies for the infringement thereof, which are conferred and provided by the said Copyright Amendment Act with respect to authors of books first published in the British dominions; and the said International Copyright Act does not empower Her Majesty to confer any exclusive right of representing or performing dramatic pieces or musical compositions first published in foreign countries upon the authors thereof, nor to extend the privilege of copyright to prints and sculpture first published abroad; and it is expedient to vest increased powers in Her Majesty in this respect, and for that purpose to repeal the said International Copyright Act, and to give such other powers to Her Majesty, and to make such further provisions, as are hereinafter contained:—

It is Enacted,

- I. That the said recited Act herein designated as the International Copyright Act shall be and the same is hereby repealed.
- II. That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that, as respects all or any particular class or classes of the following works (namely), books, prints, articles of sculpture, and other works of art, to be defined in such order, which shall after a future time, to be specified in such order, be first published in any foreign country

to be named in such order, the authors, inventors, designers, engravers, and makers thereof respectively, their respective executors, administrators, and assigns, shall have the privilege of copyright therein during such period or respective periods as shall be defined in such order, not exceeding, however, as to any of the above-mentioned works, the term of copyright which authors, inventors, designers, engravers, and makers of the like works respectively first published in the United Kingdom may be then entitled to under the hereinbefore recited Acts respectively, or under any Acts which may hereafter be passed in that behalf.

III. That in case any such order shall apply to books, all and singular the enactments of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the copyright in books first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained, apply to and be in force in respect of the books to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such books were first published in the United Kingdom, save and except such of the said enactments, or such parts thereof, as shall be excepted in such order, and save and except such of the said enactments as relate to the delivery of copies of books at the British Museum, and to or for the use of the other libraries mentioned in the said Copyright Amendment Act.

IV. That in case any such order shall apply to prints, articles of sculpture, or to any such other works of art as aforesaid, all and singular the enactments of the said Engraving Copyright Acts and the said Sculpture Copyright Acts, or of any other Act for the time being in force with relation to the copyright in prints or articles of sculpture first published in this country, and of any Act for the time being in force with relation to the copyright in any similar works of art first published in this country, shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained respectively, apply to and be in force in respect of the prints, articles of sculpture, and other works of art to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such articles and other works of art were first published in the United Kingdom, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

V. That it shall be lawful for Her Majesty, by any order of Her Majesty in Council, to direct that the authors of dramatic pieces and musical compositions which shall after a future time, to be specified in such order, be first publicly represented or performed in any foreign country to be named in such order, shall have the sole liberty of representing or performing in any part of the British dominions such dramatic pieces or musical compositions during such period as shall be defined in such order, not exceeding the period during which authors of dramatic pieces and musical compositions first publicly represented or performed in the United Kingdom may for the time be entitled by law to the sole liberty of representing and performing the same; and from and after the time so specified in any such last-mentioned order the enactments of the said Dramatic Literary Property Act and of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the liberty of publicly representing and performing dramatic pieces or musical compositions, shall, subject to such limitation as to the duration of the right conferred by any such order as shall be therein contained, apply to and be in force in respect of the dramatic pieces and musical compositions to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such dramatic pieces and musical compositions had been first publicly represented and performed in the British dominions, save and except such of the said enactments or such parts thereof as shall be excepted in such order.

VI. Provided and enacted, That no author of any book, dramatic piece or musical composition, or his executors, administrators, or assigns, and no inventor, designer or engraver of any print, or maker of any article of sculpture, or other work of art, his executors, administrators, or assigns, shall be entitled to the benefit of this Act, or of any Order in Council to be issued in pursuance thereof, unless, within a time or times to be in that behalf prescribed in each such Order in Council, such book, dramatic piece, musical composition, print, article of sculpture, or other work of art, shall have been so registered, and such copy thereof shall have been so delivered as hereinafter is mentioned; (that is to say), as regards such book, and also such dramatic piece or musical composition (in the event of the same having been printed), the title to the copy thereof, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the copyright thereof, the time and place of the first publication, representation, or performance thereof, as the case may be, in the foreign country named in the Order in Council under which the benefits of this Act shall be claimed, shall be entered in the register book of the Company of Stationers in London, and one printed copy of the whole of such book, and of such dramatic piece or musical composition, in the event of the same having been printed, and of every volume thereof, upon the best paper upon which the largest number or impression of the book, dramatic piece, or musical composition shall have been printed for sale, together with all maps and prints relating thereto, shall be delivered to the officer of the Company of Stationers at the Hall of the said company; and as regards dramatic pieces and musical compositions in manuscript, the title to the same, the name and place of abode of the author or composer thereof, the name and place of abode of the proprietor of the right of representing or performing the same, and the time and place of the first representation or performance thereof in the country named in the Order in Council under which the benefit of the Act shall be claimed, shall be entered in the said Register Book of the said Company of Stationers in London; and as regards prints, the title thereof, the name and place of abode of the inventor, designer, or engraver thereof, the name of the proprietor of the copyright therein, and the time and place of the first publication thereof in the foreign country named in the Order in Council under which the benefits of the Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London, and a copy of such print, upon the best paper upon which the largest number or impressions of the print shall have been printed for sale, shall be delivered to the officer of the Company of Stationers at the Hall of the said company; and as regards any such article of sculpture, or any such other work of art as aforesaid, a descriptive title thereof, the name and place of abode of the maker thereof, the name of the proprietor of the copyright therein, and the time and place of its first publication in the foreign country named in the Order in Council under which the benefit of this Act shall be claimed, shall be entered in the said register book of the said Company of Stationers in London; and the officer of the said Company of Stationers receiving such copies so to be

delivered as aforesaid shall give a receipt in writing for the same, and such delivery shall to all intents and purposes be a sufficient delivery under the provisions of this Act.

VII. Provided and enacted, That if a book be published anonymously it shall be sufficient to insert in the entry thereof in such register book the name and place of abode of the first publisher thereof, instead of the name and place of abode of the author thereof, together with a declaration that such entry is made either on behalf of the author or on behalf of such first publisher, as the case may require.

VIII. That the several enactments in the said Copyright Amendment Act contained with relation to keeping the said register book, and the inspection thereof, the searches therein, and the delivery of certified and stamped copies thereof, the reception of such copies in evidence, the making of false entries in the said book, and the production in evidence of papers falsely purporting to be copies of entries in the said book, the applications to the Courts and Judges by persons aggrieved by entries in the said book, and the expunging and varying such entries, shall apply to the books, dramatic pieces, and musical compositions, prints, articles of sculpture, and other works of art, to which any Order in Council issued in pursuance of this Act shall extend, and to the entries and assignments of copyright and proprietorship therein, in such and the same manner as if such enactments were here expressly enacted in relation thereto, save and except that the forms of entry prescribed by the said Copyright Amendment Act may be varied to meet the circumstances of the case, and that the sum to be demanded by the officer of the said Company of Stationers for making any entry required by this Act shall be 1s. only.

IX. That every entry made in pursuance of this Act of a first publication shall be *prima facie* proof of a rightful first publication; but if there be a wrongful first publication, and any party have availed himself thereof to obtain an entry of a spurious work, no order for expunging or varying such entry shall be made unless it be proved to the satisfaction of the Court or of the Judge taking cognizance of the application for expunging or varying such entry, first, with respect to a wrongful publication in a country to which the author or first publisher does not belong, and in regard to which there does not subsist with this country any treaty of international copyright, that the party making the application was the author or first publisher, as the case requires; second, with respect to a wrongful first publication either in the country where a rightful first publication has taken place, or in regard to which there subsists with this country a treaty of international copyright, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher.

X. That all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any foreign country except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorized in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the Customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner, and with the like restrictions upon the proceedings of the defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to actions thereby authorized to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions.

XI. That the said officer of the said Company of Stationers shall receive at the Hall of the said company every book, volume, or print so to be delivered as aforesaid, and within one calendar month after receiving such book, volume, or print shall deposit the same in the library of the British Museum.

XII. Provided and enacted, That it shall not be requisite to deliver to the said officer of the said Stationers Company any printed copy of the second or of any subsequent edition of any book or books so delivered as aforesaid, unless the same shall contain additions or alterations.

XIII. That the respective terms to be specified by such Orders in Council respectively for the continuance of the privilege to be granted in respect of works to be first published in foreign countries may be different for works first published in different foreign countries and for different classes of such works; and that the times to be prescribed for the entries to be made in the register book of the Stationers Company, and for the deliveries of the books and other articles to the said officer of the Stationers Company, as hereinbefore is mentioned, may be different for different foreign countries and for different classes of books or other articles.

XIV. Provided and enacted, That no such Order in Council shall have any effect unless it shall be therein stated, as the ground for issuing the same, that due protection has been secured by the foreign power so named in such Order in Council for the benefit of parties interested in works first published in the dominions of Her Majesty similar to those comprised in such order.

XV. That every Order in Council to be made under the authority of this Act shall as soon as may be after the making thereof by Her Majesty in council be published in the *London Gazette*, and from the time of such publication shall have the same effect as if every part thereof were included in this Act.

XVI. That a copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next Session of Parliament.

XVII. That it shall be lawful for Her Majesty by an Order in Council from time to time to revoke or alter any Order in Council previously made under the authority of this Act, but nevertheless without prejudice to any rights acquired previously to such revocation or alteration.

XVIII. Provided and enacted, That nothing in this Act contained shall be construed to prevent the printing, publication, or sale of any translation of any book the author whereof and his assigns may be entitled to the benefit of this Act.

XIX. That neither the author of any book, nor the author or composer of any dramatic piece or musical composition, nor the inventor, designer, or engraver of any print, nor the maker of any article of sculpture, or of such other work of art as aforesaid, which shall after the passing of this Act be first published out of Her Majesty's dominions, shall have any copyright therein respectively, or any exclusive right to the public representation or performance thereof, otherwise than such (if any) as he may become entitled to under this Act.

XX. That in the construction of this Act the word "book" shall be construed to include "volume," "pamphlet," "sheet of letter-press," "sheet of music," "map," "chart," or "plan;" and the expression "articles of sculpture" shall mean all such sculptures, models, copies, and casts as are described in the said Sculpture Copyright Acts, and in respect of which the privileges of copyright are thereby conferred; and the words "printing" and "re-printing," shall include engraving and any other method of multiplying copies; and the expression "Her Majesty" shall include the heirs and successors of Her Majesty; and the expressions "Order of Her Majesty in Council," "Order in Council," and "order," shall respectively mean order of Her Majesty acting by and with the advice of Her Majesty's Most Honourable Privy Council; and the expression "officer of the Company of Stationers" shall mean the officer appointed by the said Company of Stationers for the purposes of the said Copyright Amendment Act; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things, and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

XXI. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XIII.

AN ACT to extend until the First Day of *January* One thousand eight hundred and forty-five, and to the End of the then next Session of Parliament, the Time within which Conveyances may be made on behalf of the Crown of, and Disputes settled with regard to, Encroachments in the Forest of *Dean*.

(10th May 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *The time for granting certain conveyances of encroachments extended to the 1st of January 1845.*
2. *Conveyances already granted confirmed.*
3. *Disputes now pending or which may arise respecting rights to leases, &c. of encroachments to be settled by the verderors.*
4. *Powers of recited Act extended to this Act.*
5. *Act may be amended this session.*

By this Act,

After reciting that by 1 & 2 Vict. c. 42, and under the powers and subject to the provisions of the said Act the titles to many encroachments in the said forest have been confirmed by the said Commissioners on behalf of Her Majesty; but the time limited for granting conveyances of encroachments having expired on the 27th of July 1843, and many applications having been since received by the said Commissioners, which cannot be complied with unless further time be given for granting such conveyances:—

It is Enacted,

I. That as regards the said encroachments coloured blue and yellow in the said recited Act mentioned, the time within which conveyances thereof may be granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, upon the terms in the said recited Act mentioned, shall be and is hereby extended from the said 27th of July 1843, to the 1st of January 1845, and from thence to the end of the then next session of Parliament.

II. That as regards conveyances already granted or purported to be granted by the said Commissioners under the powers of the said recited Act, such conveyances shall be and are hereby severally ratified and confirmed.

III. That as regards any disputes or questions now pending, or which during the continuance of this Act may arise, between two or more persons as to their rights or claims to have a lease or conveyance of any of the before-mentioned encroachments granted to them in pursuance of this or the said recited Act, it shall be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to refer such disputes or questions to the verderors of the said forest; and the said verderors are hereby authorized to inquire and determine, by such means and

in such manner as they shall think fit, who in the opinion of the said verderors is or are best entitled to have a lease or conveyance of the encroachment or encroachments in dispute; and the report in writing of the said verderors, or any two of them, made to the said Commissioners, shall be final and conclusive as to the rights of the disputing parties.

iv. That all the powers and provisions of the said recited Act, in so far as they are not inconsistent with or repugnant to the provisions of this Act, shall be deemed and construed to extend to this Act, and as if the powers and provisions of the said recited Act were herein severally and at length repeated, and as if the time within which conveyances of encroachments might be made by the said Commissioners under the powers of the said recited Act had been thereby extended as provided and declared by this Act.

v. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XIV.

AN ACT for raising the Sum of Eighteen millions four hundred and seven thousand three hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-four.

(10th May 1844.)

By this Act, the Commons grant, and it is Enacted,

- i. That the Treasury may raise 18,407,300*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 68.
- ii. The clauses, &c. in recited Acts extended to this Act.
- iii. The Treasury to apply the money raised.
- iv. Bills, how to be charged and paid.
- v. Interest on bills.
- vi. Bills charged on supplies to be current in payment of public revenue after twelve calendar months from their dates.
- vii. Bank of England may advance 18,407,300*l.* on the credit of bills, notwithstanding 5 & 6 W. & M. c. 20.

CAP. XV.

AN ACT to amend the Laws relating to Labour in Factories.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Restriction on power of inspectors and sub-inspectors.—*Their exemption from certain duties.*
3. Power of inspectors and sub-inspectors.
4. Protection of inspectors and sub-inspectors.
5. Office of factory inspectors.
6. Management of the office, and regulating the duties of the inspectors, &c.
7. Persons beginning to occupy a factory to send notice to the office of factory inspectors.
8. Certifying surgeons to be appointed by an inspector.
9. Form of surgical certificate.
10. Certificates not given by certifying surgeon must be by persons duly authorized, and countersigned by a magistrate.
11. Surgical certificates to be given at the factory.
12. Agreement between mill occupier and certifying surgeon.
13. Inspector may fix surgeon's fees.
14. New surgical certificate not required for persons at present employed.—*Inspectors and sub-inspectors may annul certificates.*
15. Certificates of real age may be obtained.
16. Certificate to be obtained before the person is employed, and to serve only for one factory.
17. Surgical certificates may be dispensed with for seven or thirteen days.
18. Lime-washing and other washing of the interior of factories.
19. Protection of workers in wet-spinning in flax mills.
20. Mill-gearing not to be cleaned while in motion.
21. Machinery to be guarded.
22. Notice to be given of accidents causing bodily injury.
23. Certifying surgeon to examine into the causes and extent of accidents, and report thereon.
24. Prosecution for compensation by an inspector.

25. Application of compensation when recovered.
26. For ensuring regularity in the observance of time.
27. Registers to be kept in every factory.
28. An abstract of this Act, and certain notices, to be hung up in every factory.
29. Children may be employed in factories at eight years of age.
30. Time of children's work.
31. How children may be employed on three alternate days of the week.
32. Women to be employed as young persons.
33. Provision for recovering lost time by stoppage of the machinery.
34. Provision for recovering time lost by partial stoppages.
35. Work to cease on Saturday at half-past four.
36. Additional regulations as to meal times.
37. Additional regulations as to holidays.
38. Additional regulations for the attendance of children at schools.
39. Occupier of factory to obtain school certificate,—and to pay school fees.—Inspector may, by notice, annul the certificate of any schoolmaster found unfit.—Appeal.
40. Repeal of part of 8 & 4 Will. 4. c. 108.
41. Occupier of the factory to be liable for offences against this Act in the first instance.
42. Notices of complaints of ungarded machinery.
43. Inspector or sub-inspector to give notice of dangerous machinery.—Upon application by the occupier arbitrators may be appointed to examine the machinery.
44. Complaints to be preferred within two months.
45. Proceedings under this Act may be had before any Justices.—Penalties may be recovered as in 5 Geo. 4. c. 18.—Power of distraining goods in factory where occupier is convicted.
46. Issue of summonses for offences against Act.
47. Compelling parties to appear and bring register.
48. Inspectors and sub-inspectors competent witnesses.
49. Justices may enforce attendance of witnesses.
50. Inspectors and sub-inspectors may summon offenders and witnesses.
51. In case of partnership, one name sufficient for summonses.
52. Evidence of employment.
53. Surgical certificates to be proof of age.
54. Proof of age of persons alleged to be sixteen.
55. Proof of age of persons alleged to be eighteen.
56. Penalties for employing children and young persons longer than allowed by the Act.
57. Penalty on parents for allowing children to be employed contrary to this Act, or neglecting to cause them to attend school.
58. Penalty for not lime-washing or otherwise washing the interior of the factory.
59. Penalty for not fencing machinery.
60. Penalty for not fencing dangerous machinery after notice.
61. Penalty for obstructing inspectors or sub-inspectors.
62. Penalty for obstructing inspectors or sub-inspectors in the night.
63. Offences which shall be punishable by fine or imprisonment.
64. Penalty for offences not otherwise specified.
65. Penalty in case of second and subsequent convictions.
66. Application of penalties.
67. How former conviction may be proved.
68. Convictions to be filed amongst the records of the county.
69. No appeal from convictions, except in certain cases.
70. Appeal.
71. Who are to exercise the powers of Justices.
72. Exemptions of silk factories.
73. Interpretation clause.—“Child.”—“Young person.”—“Parent.” Employment.—“Inspector.”—“Agent.”—“Month.”—“Mill-gearing.”—“Factory.”—Exception to the term factory.—Exemption when packing finished goods.—Exemption in favour of mechanics.
74. Act may be amended this session.

By this Act,

After reciting that the laws relating to labour in factories require to be amended:—

It is Enacted,

1. That this Act shall take effect from and after the 1st of October 1844, except any provisions for the taking effect of which any other time shall be hereinafter specially limited, all which last-mentioned provisions shall take effect from and after such time as shall be hereinafter specially mentioned in that behalf.

11. That after the passing of this Act no inspector of factories shall have power in that capacity to act as a magistrate, or to make rules, regulations, and orders as authorized by an Act, hereinafter called “the Factory Act,” 3 & 4 Will. 4. c. 103, and intitled, ‘An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom,’ except as hereinafter mentioned; and that no inspector or person appointed to superintend the execution of the pro-

visions of the Factory Act and of this Act, under the direction of an inspector, hereinafter called a sub-inspector, shall be liable to serve upon any jury, or to serve any parochial or municipal office, so long as he shall continue to hold the office of inspector or sub-inspector.

III. That every inspector and sub-inspector shall have power to enter every part of any factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a factory, and to enter any school in which children employed in factories are educated, and at all times to take with him into any factory the certifying surgeon of the district hereinafter mentioned, and any constable or other peace officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a factory within two months next preceding the time when he shall require him to be examined touching any matter within the provisions of this Act, and the inspector or sub-inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every inspector and sub-inspector shall have power to examine the registers, certificates, notices, and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined, or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an inspector or sub-inspector, or who shall prevent or knowingly delay the admission of an inspector or sub-inspector to any part of a factory or school, or shall prevent an inspector or sub-inspector from examining any register, certificate, notice, or other document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the inspector or sub-inspector in the execution of the powers intrusted to him.

IV. That the provisions of 24 Geo. 2. c. 44, as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the inspectors and sub-inspectors in the exercise of their duties under this Act.

V. That a proper office, to be called "The Office of the Factory Inspectors," shall be provided in London or Westminster for the use of the inspectors, and for the preservation of the factory records, and all documents relating to the several proceedings under this Act; and one of Her Majesty's principal Secretaries of State shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and may at pleasure remove them or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion according to the duties they may have to perform.

VI. That one of Her Majesty's principal Secretaries of State, or the inspectors, with the approval of such principal Secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several inspectors and sub-inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said inspectors and sub-inspectors, clerks, and servants respectively.

VII. That after the passing of this Act every person, on beginning to occupy a factory, shall within one month send, addressed "To the Office of the Factory Inspectors, London," a written notice, containing the name of the factory, the place, township, parish, and county where it is situated, the post office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on.

VIII. That after the passing of this Act any inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying surgeons, for the purpose of examining persons who shall be brought before them to obtain the surgical certificates of age required by the Factory Act and by this Act, and of giving the said certificates, and shall from time to time make regulations for their guidance, and shall in every such appointment specify the factories or district for which each surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying surgeon, and every order annulling such appointment, may be revoked by the Secretary of State, on appeal made to him for either purpose; and the inspector of the district shall make known the name of the certifying surgeons so from time to time appointed or discontinued to the occupiers of the factories in that district in such manner as to him shall seem fit; but no surgeon, being the occupier of a factory, or having a beneficial interest in any factory, shall be a certifying surgeon.

IX. That the certificates of age required by the Factory Act or by this Act, herein called surgical certificates, shall be given according to the form and directions contained in the Schedule (A.) annexed to this Act; and the certificates given by any such certifying surgeon shall be as valid as if countersigned by an inspector, Justice of the Peace, or burgh magistrate; and the name of every person for whom a certificate of age is required by the Factory Act or by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such person in a factory: Provided always, that no surgical certificate shall be required for any young person above the age of sixteen years.

X. That no such surgical certificate given by any person who is not an appointed certifying surgeon shall be of any force, unless it is given by a person duly authorized by an University or College, or other public body having authority in that behalf, to practise surgery or medicine, and countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the occupier of a factory, and not being the father, son, or brother of the occupier of a factory; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted.

xI. That no person shall grant any surgical certificate required by the Factory Act or by this Act, except upon personal inspection of the person named therein; and no certifying surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate, elsewhere than at the factory where such person is to be employed, unless for special cause, to be allowed by an inspector; and if a certifying surgeon shall refuse to grant a certificate of age for any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed.

xII. That if the occupier of a factory shall agree in writing with the certifying surgeon of a district for the payment to be made by the occupier of the factory to the certifying surgeon for the examination of persons for whom surgical certificates are required by the Factory Act or by this Act, and if the terms of such agreement shall be in conformity with such regulations for the guidance of the surgeons as shall be made by the inspector of the district, and shall be countersigned by the inspector in token of such conformity, all penalties which may be incurred by any party for breach of such agreement may be recovered as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are directed to be applied, and no such agreement shall be liable to any stamp duty.

xIII. That an inspector shall fix the amount of fees to be paid by the occupier of a factory, and the times when such fees shall be paid to the certifying surgeon, and also the times when such certifying surgeon shall visit a factory, provided he shall be required to fix such fees and visits by the occupier of a factory; and the fees so to be fixed by the inspector shall not in any case where the surgeon shall examine more than one person exceed 1s. for each person who shall be presented to him at the factory by the mill owner or his agent to be examined, together with 6d. for every half mile that the distance of the factory from the residence of such surgeon shall exceed one mile; and such fees, including mileage, shall not be less than 1s. and shall in no case exceed 5s. for any one visit, except when upon such visit the certifying surgeon shall examine for the said certificates of age more than ten persons who may be brought before him as aforesaid, in which case he shall receive 6d. for each person that he may so examine, instead of all other fees; and in any case where a factory is situated within the distance of one mile from the residence of a certifying surgeon the fee for such factory shall not exceed 2s. 6d. for each visit, except when at any one visit he shall examine for the said certificates of age more than five persons who may be brought before him as aforesaid, in which case he shall receive 6d. for each person that he may so examine, instead of all other fees; and no certifying surgeon shall receive more than 6d. for any certificate which he may be allowed by an inspector, as hereinbefore provided, to sign or issue otherwise than at the factory where the person is to be employed; and the occupier of any factory shall pay such fees to the certifying surgeon at the time of signing such certificates, or at any other time when he may be directed by the inspector to do so; and the occupier of such factory may deduct the fee or any part thereof, not exceeding in any one case the sum of 3d., from the wages of the person for whom the certificate may have been granted; but in any case where such agreement as aforesaid has been executed between an occupier of a factory and the certifying surgeon the amount named in such agreement shall be instead of the fees fixed by any inspector in virtue of this Act: Provided always, that no certifying surgeon shall be required to visit any factory situated within three miles of his residence oftener than once in each week, or to visit any factory situated at a greater distance than three miles oftener than once in every fortnight, unless with the consent of the occupier of the factory.

xIV. That no person who shall be employed in a factory at the time when this Act shall come into force under a surgical certificate granted under the Factory Act shall be required to have a new surgical certificate, in the form and manner provided by this Act, so long as he shall continue in the same factory; but every inspector and sub-inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "Annulled," with his name, and the date of annulling such certificate; provided that in either case he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate, or provided the certifying surgeon of the district shall, upon reference made to him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act from the day when the certificate shall have been so annulled; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

xV. That in case any person shall be desirous of proving the real age of any person for whom a certifying surgeon shall have refused to grant a certificate of age for the purposes of this Act, or whose surgical certificate any inspector or sub-inspector shall have annulled, the inspector or sub-inspector shall, on demand, give to such person a requisition under his hand, in a form to be approved of by the inspectors and by the registrar general, for the production of a duly certified copy of the entry of the birth or baptism of such person; provided the party demanding the same shall declare the names of such person and of his parents, with the place where and the year in which he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of 1s., to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the inspectors and registrar general, from any minister, registrar, or other person having the care of any register of births or baptisms in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar, or other person having charge of such register; and such payment of 1s. shall be instead of all other fees or payments to which such minister, registrar, or other person shall be entitled; and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the surgical certificate required shall be produced to the certifying surgeon of the district, he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying surgeon shall thereupon, without further fee or reward, give a surgical certificate in the form provided for that case in Schedule (A.) to this Act annexed, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature, and the date of such signature, and shall send such certified copy by the post to the sub-inspector of the district, who shall send a receipt for the same by post to the said surgeon, and shall keep such certified copy of the entry of the birth or baptism, for future reference, if necessary; and if any inspector

of factories shall require a certified copy of the entry of the birth of any person employed in any factory from the office of the registrar general, he, or any person deputed by him, shall, on producing a requisition in the form hereinbefore provided, be entitled to examine the indexes to the registers in the general register office, and to receive such certified copy indorsed on the requisition without the payment of any fee; but no certified copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any court or for any purpose, save for the purposes of this Act: Provided always, that in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the inspector or sub-inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on proof of real age only.

xvi. That before employing any person requiring a surgical certificate under the Factory Act as amended by this Act the occupier of the factory shall obtain the surgical certificate, save as hereinafter excepted, and shall keep, and be bound to produce every such certificate, when required, to the inspector or sub-inspector; and no surgical certificate shall be valid except for employment at the factory for which it was originally granted, or, if granted by a certifying surgeon, at any other factory in the occupation of the same person who is occupier of the factory for which the certificate was originally granted, provided such other factory be in the district of the certifying surgeon who granted the certificate, and the certificate be produced in the factory where the person named in the certificate is at work; and the certifying surgeon, as often as he shall visit a factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set forth in the form and according to the directions given in Schedule (B.) to this Act annexed.

xvii. Provided and enacted, That no occupier of any factory shall be liable to any penalty for employing any person in any manner not contrary to the other provisions of the Factory Act as amended by this Act, without a surgical certificate, for any time not exceeding seven working days, or, when the certifying surgeon shall reside more than three miles from the factory, for any time not exceeding thirteen working days, provided all surgical certificates for that factory be granted only by the certifying surgeon appointed for that factory; but this enactment shall not be construed to dispense with the certificate of school attendance, or to authorize the employment of any person in respect of whom the certifying surgeon shall have refused to grant such surgical certificate.

xviii. That after the passing of this Act it shall not be necessary to limewash the walls of any mill, factory, or building, or to whitewash the ceilings of any rooms therein, otherwise than is hereinafter provided; and that all the inside walls, ceilings, or tops of rooms, whether plastered or not, and all the passages and staircases of every factory, which shall not have been painted with oil once at least within seven years, shall be limewashed once at least within every successive period of fourteen months, to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap once at least within every successive period of fourteen months, as aforesaid.

xix. That after the expiration of six months from the date of this Act coming into operation no child or young person shall be employed in any part of a factory in which the wet-spinning of flax, hemp, jute, or tow is carried on, unless sufficient means shall be employed and continued for protecting the workers from being wetted, and where hot water is used, for preventing the escape of steam into the room occupied by the workers.

xx. That no child or young person shall be allowed to clean any part of the mill-gearing in a factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel, or other mechanical power.

xxi. That every fly-wheel directly connected with the steam-engine or water-wheel or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or teagle, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a factory, shall be securely fenced; and every wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel, or other mechanical power for any manufacturing process.

xxii. That if any accident shall occur in a factory which shall cause any bodily injury to any person employed therein which shall have been of such a nature as to prevent the person so injured from returning to his work in the factory before nine of the clock of the following morning, the occupier of the factory, or in his absence his principal agent, shall within twenty-four hours of such absence send a notice thereof in writing to the surgeon appointed to grant certificates of age for the district in which the factory is situated, in which notice the place of residence of the person injured, or the place to which he may have been removed, shall be stated; and the surgeon shall send a copy of such notice to the sub-inspector of the district by the first post after the receipt thereof.

xxiii. That if a certifying surgeon shall receive notice as aforesaid that an accident has occurred which has caused bodily injury to any person employed in a factory for which he has been appointed to grant certificates of age, and that it has been of such a nature as to have prevented the person so injured from returning to his work in the factory the following morning, he shall with the least possible delay proceed to the said factory, and make a full investigation as to the nature and cause of such bodily injury, and shall within the next twenty-four hours send to the inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the inspector of the district shall send to the office of the factory inspectors as soon as conveniently may be; and the certifying surgeon, for the purpose of such investigations only, shall have the same power, authority, and protection as an inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said surgeon shall receive a fee not exceeding 10s., or such part thereof, not being less than 3s., as the inspector of the district may consider a reasonable remuneration to the surgeon for his trouble, which fee shall be paid as other expenses incurred under this Act.

XXIV. That one of Her Majesty's principal Secretaries of State, on the report and recommendation of an inspector, may empower such inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such inspector to have received any bodily injury from the machinery of any factory, for the recovery of damages for and on behalf of such person.

XXV. That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the Secretary of State; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the inspector as he might have had against the plaintiff; and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act are to be paid.

XXVI. That the hours of the work of children and young persons in every factory shall be reckoned from the time when any child or young person shall first begin to work in the morning in such factory, and shall be regulated by a public clock, or by some other clock open to the public view, to be approved of in either case in writing under the hand of the inspector or sub-inspector of the district.

XXVII. That registers shall be kept in the factory to which they relate, by the occupier of every factory, according to the forms and directions given in Schedule (B.) to this Act annexed; and every inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed in the factory, which may be requisite to facilitate the performance of the duties of such inspector in any inquiry made under the authority of the Factory Act or of this Act; but no information so sent by the occupier of any factory which is not contained in the registers, certificates, and other documents required by this Act to be received or kept shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates, and other documents required by this Act to be received or kept shall be forthwith produced to the inspector or sub-inspector, on his demanding to examine the same at any time when the factory is at work.

XXVIII. That it shall not be necessary to hang up in any mill or factory any copy of any abstract of the Factory Act, or of any regulations made in pursuance of the said Act, other than is hereinafter provided; and that such abstract of the Factory Act as amended by this Act as shall be directed by one of Her Majesty's Principal Secretaries of State shall be fixed on a moveable board, and be hung up as soon as received by the occupier of the factory or his agent in the entrance of the factory, and in such other places as the inspector or sub-inspector of the district may direct; and notices of the names and addresses of the inspector and sub-inspector of the district in which the factory is situated, of the name and address of the surgeon who grants certificates of age for the factory, of the clock by which the hours of work in the factory are regulated, of the times of beginning and ending daily work of all persons employed in the factory, and any alteration thereof, of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters, and fixed on moveable boards, (each particular notice being signed by the occupier of every factory or his agent,) shall be hung up in the entrance of the factory, where they may be easily read by the persons employed in the factory, and in such other places as the inspector or sub-inspector of the district may direct, and whence they shall not be removed while the factory is at work; and in case any such abstract of the Factory Act as amended by this Act, or notice, shall become illegible in any part, the occupier of the factory shall cause a new copy thereof to be provided and hung up as aforesaid; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered; and every notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed.

XXIX. That every child who shall have completed his eighth year, and shall have obtained the surgical certificate required by this Act of having completed his eighth year, may be employed in a factory in the same manner and under the same regulations as children who have completed their ninth year; but no child under eight years of age shall be employed in any factory.

XXX. That no child shall be employed in any factory more than six hours and thirty minutes in any one day, save as hereinafter excepted, unless the dinner time of the young persons in such factory shall begin at one of the clock, in which case children beginning to work in the morning may work for seven hours in one day; and no child who shall have been employed in a factory before noon of any day shall be employed in the same or any other factory, either for the purpose of recovering lost time or otherwise, after one of the clock in the afternoon of the same day, save in the cases when children may work on alternate days, or in silk factories more than seven hours in any one day, as hereinafter provided.

XXXI. That in any factory in which the labour of young persons is restricted to ten hours in any one day it shall be lawful to employ any child ten hours in any one day on three alternate days of every week, provided that such child shall not be employed in any manner in the same or in any other factory on two successive days, nor after half-past four of the clock in the afternoon of any Saturday: Provided always, that the parent or person having direct benefit from the wages of any child so employed shall cause such child to attend some school for at least five hours between the hours of eight of the clock in the morning and six of the clock in the afternoon of the same day on each week day preceding each day of employment in the factory, unless such preceding day shall be a Saturday, when no school attendance of such child shall be required: Provided also, that on Monday in every week after that in which such child began to work in the factory, or any other day appointed for that purpose by the inspector of the district, the occupier of the factory shall obtain a certificate from a schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school as required by this Act; but it shall not be lawful to employ any child in a factory more than seven hours in any one day, until the owner of the factory shall have sent a notice in writing to the inspector of the district of his intention to restrict the hours

of labour of young persons in the factory to ten hours a day, and to employ children ten hours a day; and if such occupier of a factory shall at any time cease so to employ children ten hours a day he shall not again employ any child in his factory more than seven hours in any one day until he shall have sent a further notice to the inspector in the manner hereinbefore provided.

xxxii. That no female above the age of eighteen years shall be employed in any factory save for the same time and in the same manner as young persons may be employed in factories; and that any person who shall be convicted of employing a female above the age of eighteen years for any longer time or in any other manner shall for every such offence be adjudged to pay the same penalty as is provided in the like case for employing a young person contrary to law: Provided always, that nothing herein or in the Factory Act contained as to certificates of age shall be taken to apply to females above the age of eighteen years.

xxxiii. That no time lost by accident or otherwise in any factory shall be made good or worked up by extension of ordinary hours of labour, save as is hereinafter provided; and that in any factory in which any part of the machinery is moved by the power of water the time which shall have been lost by stoppages from want of water, or from too much water, may be recovered in manner following, within six months next after the stoppage, between the hours specified in the Factory Act as those within which time lost by drought or excess of water may be recovered; and in order to recover time so lost any child or young person may be employed one hour in each day more than the time to which the ordinary daily labour of children and young persons respectively is restricted by law, except on Saturday; but it shall not be lawful so to recover any lost time until a notice shall have been sent by post to the sub-inspector of the district in which the factory is situated, stating the intention so to recover time that has been lost, nor unless a notice according to the form and directions given in the Schedule (C.) to this Act annexed shall have been previously fixed up in the entrance of the factory, and in such other places as an inspector or sub-inspector may direct; and such notice shall be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said Schedule (C.); nor shall lost time be so recovered on two successive days, unless the amount of time recovered on any one day shall be inserted before nine of the clock in the morning of the following day in the last-mentioned notice.

xxxiv. That in any factory in which any part of the machinery is moved by the power of water, when the stream is so diminished by drought or swollen by flood during any part of the day that any part of the manufacturing machinery driven by the water-wheel has been stopped by reason of such drought or flood, the young persons who would have been employed at such machinery may recover such lost time during the night next following the said day, unless the said day be Saturday: Provided always, that no such young person shall be employed during any twenty-four consecutive hours for a greater number of hours than that to which the ordinary daily labour of such young persons in factories is otherwise restricted by law; and that no young person so employed in the night shall work more than five hours, without an entire cessation from work of at least thirty minutes; but it shall not be lawful to recover any such lost time unless a notice according to the form and directions given in the Schedule (C.) to this Act annexed shall have been previously fixed up in the entrance of the factory, and in such other places as an inspector or sub-inspector may direct, and unless such notice be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said Schedule (C.)

xxxv. That no child or young person shall be employed in a factory, either to recover lost time or for any other purpose, on any Saturday after half-past four of the clock in the afternoon.

xxxvi. That the times allowed for meal times as provided by the Factory Act shall be taken between the hours of half-past seven in the morning and half-past seven in the evening of every day, and one hour thereof at the least shall be given, either the whole at one time or at different times, before three of the clock in the afternoon; and no child or young person shall be employed more than five hours before one of the clock in the afternoon of any day without an interval for meal time of at least thirty minutes; and during any meal time which shall form any part of the hour and a half allowed for meals no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons employed in a factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed in writing by an inspector.

xxxvii. That each of the halfholidays required by the Factory Act to be given shall comprise not less than one half of the day, and during such time no young person shall be employed in the factory; and that at least four of such half holidays shall be given between the fifteenth day of March and the first day of October in each year to every young person who shall be employed in the factory during the whole of such period; but no cessation from work shall be deemed a half holiday, unless notice of such half holiday, and of the time of such cessation from work, shall have been fixed up on the preceding day in the entrance of the factory, and in any other place that the inspector or sub-inspector may direct; and that in addition to such eight half days no child or young person shall be allowed to work in any factory on Christmas Day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on any day the whole of which is set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory is situated.

xxxviii. That, save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child employed in a factory shall cause such child to attend some school on the day after the first employment of such child, and thenceforth on each working day of every week during any part of which the said child shall continue in such employment; so that on every such day, except in the cases herein after provided, such child shall attend school during at least three hours after the hour of eight of the clock in the morning and before the hour of six of the clock in the evening: Provided always, that any child attending school after one of the clock in the afternoon shall not be required to remain in school more than two hours and a half on any one day between the 1st of November and the last of February, and no child shall be required to attend school on any Saturday, and the non-attendance of every such child shall be excused on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school,

and during any holiday or half holiday authorized by this Act, or by consent in writing of the inspector of the district in which the factory is situated, or, where the school-room is situated within the outer boundary of the factory at which such child is employed, on every day on which the school shall be closed in consequence of the said factory ceasing to be at work during the whole day.

XXXIX. That no schoolmaster's tickets or vouchers shall be required or valid other than is hereinafter provided, and that the occupier of every factory in which a child is employed shall on Monday in every week after the first week in which such child began to work in the factory, or on any other day appointed for that purpose by an inspector, obtain a certificate from a schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school as required by this Act during the foregone week; and such occupier shall keep such certificate for six months after the date thereof, and shall produce the same to any inspector or sub-inspector when required during such period, and shall, when required by the inspector for the district, pay to the schoolmaster of such child, or to such other person as the said inspector may direct, towards the expenses of educating such child, such sum as the inspector may require, not exceeding 2d per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of one twelfth part of the weekly wages of such child: Provided always, that if an inspector, on his personal examination, or on the report of a sub-inspector, shall be of opinion that any schoolmaster who grants certificates of the school attendance of children employed in a factory is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach them reading and writing, or because of his immoral conduct, or of his continued neglect to fill up and sign the certificates of school attendance required by this Act, the inspector of the district may annul any certificate granted by such disqualified schoolmaster, by a notice in writing addressed to the occupier of the factory in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such schoolmaster to be unfit; and after the date of such notice no certificate of school attendance granted by such schoolmaster shall be valid for the purposes of this Act, unless with the consent in writing of the inspector of the district; but no inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within two miles of the factory where the children named in the certificate are employed: Provided also, that any schoolmaster whose certificate shall have been annulled, or the occupier of the factory in which the children named in the said certificate are employed on behalf of the schoolmaster, may appeal to the Secretary of State against such decisions of the inspector, and the Secretary of State may, if he think fit, rescind such decision: provided also, that every inspector shall in his annual report to the Secretary of State for the Home Department state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.

XL. That so much of the Factory Act as limits the time for preferring complaints for offences against the said Act, and as requires any written notice to be given of the intention to prefer any complaint for such offence, and as fixes any penalty or punishment for offences against the said Act, and as relates to the procedure for convicting any person of any offence against the said Act, and for levying or inflicting the penalty or punishment imposed, and for appealing against any such conviction, and as specifies the circumstances under which any penalties and punishments shall not be levied or inflicted, and as relates to the application of penalties, shall be repealed.

XLI. That the occupier of any factory in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any inspector or sub-inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant, or workman whom he shall charge as the actual offender brought by summons before the Justices at the time appointed for hearing the complaint made against him by the inspector or sub-inspector; and if after the commission of the offence has been proved the occupier of the factory shall prove, to the satisfaction of the Justices, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant, or workman had committed the offence in question, without his knowledge, consent, or connivance, the said agent, servant, or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the factory; and the payment of such penalty and costs shall be enforced against the agent, servant, or workman in like manner as penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the satisfaction of the inspector or sub-inspector, at the time of discovering the offence, that the occupier of the factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance, or knowledge of the occupier, and in contravention of his orders, then the inspector or sub-inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the factory.

XLII. That notice in writing of an intention to prefer a complaint that a child or young person had been employed in a factory in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of the aforesaid machinery, hoist or tangle, or wheel-race, has not been securely fenced, shall be given four days at least previous to the day fixed for hearing the complaint; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the inspector or sub-inspector who shall be the complainant forty-eight hours previous to the day fixed for hearing the case.

XLIII. That if an inspector or sub-inspector shall observe in a factory any part of the machinery of any kind or description, or any driving strap or band, not securely fenced, which he shall deem likely to cause bodily injury to any person employed in such factory, he shall give notice in writing to the occupier of such factory or his agent of such part of the machinery, or such strap or band, as he shall deem to be dangerous, according to the form and directions given in Schedule (D.) to this Act

annexed; and the occupier of the factory, or his agent, shall sign a duplicate copy of such notice in acknowledgment of his having received it: Provided always, that upon an application in writing made by the occupier of the factory, within fourteen days after he shall have received such notice, two arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the occupier of the factory in the aforesaid application, and the other by the inspector of the district, with the least possible delay after he shall have received such application; and the said arbitrators shall proceed to examine the machinery alleged to be dangerous within fourteen days of the appointment of the arbitrator named by the inspector; and if the arbitrators so appointed shall not agree in opinion the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators, or any two of them, shall sign an opinion in writing addressed to the inspector of the district, that it is unnecessary or impossible to fence the machinery, or strap or band, alleged in the notice to be dangerous, the inspector of the district on receipt of the same shall cancel the said notice; and if the decision of the arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous the expense of such reference shall be paid as other expenses under this Act, but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expenses of the reference shall be paid by the occupier of the factory, and shall be recoverable as the penalties under this Act are recoverable.

XLIV. That all complaints for offences against this Act shall be preferred within two months next after the commission of the offence, except in the case of complaints for offences punishable at discretion by fine or imprisonment, or for working on Christmas-day, Good Friday, or the sacramental fast days, or for not giving all or any of the eight half days for holidays required to be given, in each of which cases the complaints may be preferred within three months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing two or more children or young persons contrary to law.

XLV. That all complaints for the enforcement of any penalty under this Act shall be heard and determined by two or more Justices of the Peace acting for the county or other jurisdiction wherein the offence was committed, or for any adjoining county or jurisdiction, with the like authority as though the cause of complaint had arisen within such adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than five miles from the place where the offence was committed; and the Justices by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said Justices shall think fit; and in default of payment thereof any Justice may cause the same to be levied by distress and sale of the goods and chattels of the party convicted, together with the reasonable costs and charges of such conviction, distress and sale, by warrant under the hand and seal of any such Justice; and where the warrant of distress is directed against the goods and chattels of any person being the occupier of a factory it shall be lawful under such warrant to distrain any goods and chattels found in the said factory which would be liable to be distrained for rent in arrear.

XLVI. That in England and Ireland a summons for an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing by an inspector or sub-inspector, or upon oath before him by any other person, that to the best of the knowledge and belief of the inspector, sub-inspector, or such other person such an offence has been committed, and in Scotland a summons for an offence against this Act shall be issued by any Justice upon complaint being made to him in writing by an inspector or sub-inspector, or by the procurator fiscal, or by any person having a title and interest to prosecute with the concurrence of the procurator fiscal, that to the best of the knowledge and belief of such inspector, sub-inspector, procurator fiscal, or other person such an offence has been committed; and in every such prosecution in Scotland the proceedings shall be summary, and it shall not be necessary to take down in writing more than the substance of the evidence; and no higher or other fees shall be allowed in Scotland to the clerk of court or constables than are allowed to be paid to the sheriff clerk and sheriff officers in causes and prosecutions under the authority of 10 Geo. 4. c. 55.

XLVII. That every person who shall be summoned to answer any complaint shall be bound to appear at the time and place mentioned in the summons, and to produce before the Justices then and there present every register or other account, paper, or notice required by law to be kept by him or his agent, which shall be mentioned in the summons; and if he shall not appear accordingly, then (upon proof of due service of the summons) the Justices may either hear and determine the case in his absence, or issue their warrant, as hereinafter provided, for enforcing his attendance, and the attendance of any witness who shall refuse or neglect to appear.

XLVIII. Declared and enacted, That it shall be no objection to the competency of any inspector or sub-inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such inspector or sub-inspector.

XLIX. That any Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before the Justices by whom the complaint shall be heard who shall neglect or refuse to appear at the time and place appointed in any summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before such Justices who shall refuse to give evidence to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding one month, or until such person shall sooner submit himself to be examined; and in case of such submission the order of any Justice shall be a sufficient warrant to any gaoler or prison keeper for the discharge of such person.

L. That every inspector and sub-inspector shall be empowered to summon any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge; and every such summons shall be of the same effect as if issued by a Justice of the Peace after complaint upon oath before him, and shall be

enforced in like manner, and the like proceedings may be had thereupon, as if complaint upon oath had been made before such Justice for such offence; and every constable and other peace officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the Peace; and every such summons of an offender or witness may be in the form provided in each case, and given in the Schedule (D.) hereunto annexed; and when an inspector or sub-inspector shall summon an offender he shall give to the same constable or peace officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the clerk of any such Justice, at least twenty-four hours before the period named in the summons for the appearance of the party charged with such offence.

LII. That it shall be sufficient, in any information, complaint, or other proceeding under this Act, to set forth the name of the ostensible occupier or title of the firm by which the occupier employing the workpeople of the factory may be usually known; and the service of any summons, order, or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling house of the person to whom the same shall be addressed, or, in the case of summoning or giving an order or notice to the occupier of a factory or to a schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post directed to the occupier of the factory at the factory, or to the schoolmaster at his school.

LIII. That in any complaint of the employment of any person in a factory otherwise than is allowed by this Act the time of beginning work in the morning which shall be stated in any notice fixed up in the factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the factory; and if any person shall be allowed to enter or be in any factory, except at meal times, or during the stoppage of the whole machinery of the factory, or for the sole purpose of bringing tea or other articles of food to the workers in a factory, between the hours of four and five of the clock in the afternoon, it shall be evidence, unless the contrary shall be proved, that such person was then employed in that factory; but yards, play grounds, and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the factory, in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory, with reference to this enactment.

LIV. That every surgical certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be evidence in the first instance, of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing or coniving at the employment of such person otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act a declaration in writing by the certifying surgeon of the district that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence, in the first instance, until the contrary shall be made to appear, that such person is under the age mentioned in such declaration.

LIV. That if any inspector or sub-inspector shall make a complaint before a Justice of the Peace that the real age of any person who is employed in a factory without a surgical certificate is less than sixteen, the occupier of the factory in which such person is employed shall be liable to the penalties for employing persons for whom a surgical certificate is required by law without the proper surgical certificate, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his sixteenth year of age.

LVI. That if an inspector or sub-inspector, shall make a complaint before a Justice of the Peace that the real age of any person employed in a factory in a manner contrary to law is less than eighteen, the occupier of the factory in which such person is employed shall, save in the cases hereinafter excepted, be liable to the penalty for employing such person, unless upon the proceeding for the enforcement of such penalties he shall prove that the said person had completed his eighteenth year.

LVI. That any person who shall be convicted of having employed any person in any manner contrary to the provisions of the Factory Act as amended by this Act, or for employing a child without having obtained a certificate from a schoolmaster where such certificate is required by law, such person not being the parent nor having any direct benefit from the wages of such child, shall for every such offence be adjudged to pay a penalty of not less than 20s. and not more than 3*l*. for each child or young person so illegally employed: Provided always, that if it shall be proved that such offence was committed during the night the penalty shall not be less than 40s. nor more than 5*l*.

LVII. That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by the Factory Act as amended by this Act, or who shall neglect to cause such child to attend school as hereinbefore provided, shall be liable to a penalty of not less than 6s. and not more than 20s. for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such offence has been committed without the consent, connivance, or wilful default of such parent or person so benefited.

LVIII. That the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms of a factory, within the period prescribed by this Act, or for not washing, as hereinbefore provided, the inside walls and ceilings or tops of rooms which are painted with oil, shall not be less than 3*l*. nor more than 10*l*., and not less than 2*l*. additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms to remain without being lime-washed or washed as aforesaid, after being convicted of this offence.

LIX. That the penalty for not fencing the several parts of the machinery, hoist or teagle, and wheel-race, required by this Act to be fenced, shall not be less than 5*l*. and not more than 20*l*.

LX. That if any person shall suffer any bodily injury in consequence of the occupier of a factory having neglected to fence any part of the machinery, or any hoist or teagle, or any wheel-race, required by this Act to be securely fenced; or having

neglected to fence any part of the machinery, or any driving strap or band, in the factory, of which he shall have received notice in writing from an inspector or sub-inspector, as hereinbefore provided, that the same was deemed to be dangerous, the occupier of such factory shall pay a penalty not less than 10*l.* and not more than 100*l.*; and the whole or any part of such penalty may be applied for the benefit of the injured person, or otherwise, as the Secretary of State shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, that the occupier of the factory shall not be liable to any such penalty if the notice which he shall have received from an inspector or sub-inspector shall have been cancelled as hereinbefore provided, or that in any proceeding against an occupier of a factory for not securely fencing that part of the machinery, hoist, teagle, or wheel-race by which such bodily injury was inflicted the complaint shall have been heard and dismissed previous to the time when such bodily injury was inflicted.

LXI. That every person convicted of wilfully obstructing an inspector or sub-inspector in the execution of any of the powers intrusted to him by the Factory Act as amended by this Act shall be liable for each offence to a penalty not less than 3*l.* and not more than 10*l.*

LXII. That every occupier of a factory in which an inspector or sub-inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the factory, and of every person employed therein, shall be liable to a penalty not less than 20*l.* and not more than 50*l.*

LXIII. That every person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any certificate authorized or required by the Factory Act or by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited certificate, or any false entry in any register, or any other account, paper, or notice required by this Act, and also every person convicted of wilfully making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty not less than 5*l.* and not more than 20*l.*, or to be imprisoned for any time not more than six months in the house of correction in the county, town, or place where the offence was committed.

LXIV. That the penalty for any offence against the Factory Act as amended by this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than 2*l.* and not more than 5*l.*

LXV. That every person who shall be convicted twice within twelve months for an offence of the same kind against the Factory Act as amended by this Act, shall pay for his second offence any sum not less than one half of the highest penalty for that offence, and if convicted three times within twelve months for an offence of the same kind he shall pay not less than two-thirds of the highest penalty, and if convicted more than three times within twenty-four months for an offence of the same kind he shall pay the highest penalty; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offences shall have been committed after a complaint has been made for the previous offences; and in any case in which a person shall be convicted at any one time for offences against the Factory Act as amended by this Act, so that the penalties amount in the whole to more than 100*l.*, the sum of 100*l.*, together with all the reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

LXVI. That all penalties for any offence against the Factory Act which shall not have been otherwise appropriated at the time when this Act shall come into force, and every penalty imposed under this Act shall be applied under the direction of one of Her Majesty's principal Secretaries of State, and shall be paid, on account of the inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such inspector to receive the same; and every person to whom any such penalty shall be paid shall pay over the amount thereof to the banker so appointed within fourteen days of receiving the same; and it shall be lawful for the Secretary of State to remit the whole or any part of such penalty; and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such inspector, under the direction of one of Her Majesty's principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in factories; and so much of an Act, 5 & 6 Will. 4. c. 76, intitled, 'An Act to provide for the Regulation of Corporations in England and Wales,' as provides that certain penalties and forfeitures, if recovered before any Justice of any borough having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the treasurer of such borough, shall be repealed as to the penalties imposed under this Act.

LXVII. That whenever any person shall be convicted of any offence against the Factory Act as amended by this Act the clerk of the peace where such conviction shall have been filed shall, upon the request in writing of any inspector or sub-inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act; and for every such copy the clerk shall be entitled to have a fee of 1*s.*, and no more.

LXVIII. That every conviction under this Act may be in the form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewardry, town, or place.

LXIX. That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at discretion by fine or imprisonment, or when the penalty awarded shall be more than 3*l.*; neither shall any conviction, except as aforesaid, be removable by certiorari or bill of advocacy into any court whatever; and no information, conviction, or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time, and place intended shall have been so stated as to have been, in the opinion of the Justices by whom the complaint shall have been heard, clearly understood by the person charged with such offence; and it shall not be necessary, in any information, conviction, or other proceeding under this Act, to define the processes carried on in such factory.

or nature of the power by which the machinery of such factory is moved, or to set out that the factory or process of employment referred to is not within any of the cases excepted, provided that it be therein stated that such factory is a factory within this Act; and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception.

LXX. That any person aggrieved by any such conviction for which an appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than twelve days after the day of the conviction for the county or other jurisdiction wherein the cause of complaint shall have arisen; provided that the person so intending to appeal shall give to the inspector or sub-inspector of the district notice in writing of such appeal, and of the cause or matter thereof, within three days after the conviction or order, and seven clear days at the least before such session, and shall also enter into a recognizance, with two sufficient sureties, before a Justice of the Peace for the county or other jurisdiction, seven clear days at the least before such session, conditioned personally to appear at the said session, and to try such appeal, and to abide the judgment of the Court thereon, and to pay such costs as shall be by the Court awarded; and the Court at such session shall hear and determine the matter of appeal, and shall make such order thereon as to the Court shall seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction or order the Court shall adjudge and order the party to be punished according to the conviction or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

LXXI. That in all cases in which a Justice of the Peace is required or empowered to do anything under the Factory Act as amended by this Act, or is named therein, a burgh magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and shall exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a factory shall be heard by a Justice of the Peace or burgh magistrate, being an occupier of the factory, or being the father, son, or brother of the occupier of the factory in which the offence set forth in the complaint shall have been committed.

LXXII. Provided and enacted, That any child above eleven years of age employed solely in the winding and throwing of raw silk, and who shall have obtained the surgical certificate required by this Act of his having completed his eleventh year, may work, without any proof of having attended a school, for any time not exceeding ten hours on any working day, but not after half-past four of the clock of the afternoon of any Saturday.

LXXIII. That the Factory Act as amended by this Act, and this Act, shall be construed together as one Act, and that so much of the Factory Act, and of any rule or regulation heretofore made by any inspector, as is inconsistent with this Act, shall be taken to be repealed; and that in this Act, unless another sense shall be plainly shewn by the context, or by some positive enactment to the contrary, the word "child" shall be taken to mean a child under the age of thirteen years; and the words "young person" shall be taken to mean a person of the age of thirteen years and under the age of eighteen years; and the word "parent" shall be taken to mean parent, guardian, or person having the legal custody of any such child or young person; and any person who shall work in any factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed, notwithstanding any other description, limitation, or exception of employment in the Factory Act, to be employed therein within the meaning of this Act; and the words "inspector" and "sub-inspector" shall be taken to mean respectively an inspector and a sub-inspector of factories; and the word "agent" shall be taken to mean any person having on behalf of the occupier of any factory the care or direction thereof or of any part thereof, or of any person employed therein; and the word "month" shall be taken to mean a calendar month; and the words "mill-gearing" shall be taken to comprehend every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to the manufacturing processes; and the word "factory," notwithstanding any provision or exemption in the Factory Act, shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland wherein or within the close or curtilage of which steam, water, or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material or any fabric made thereof; and any room situated within the outward gate or boundary of any factory wherein children or young persons are employed in any process incident to the manufacture carried on in the factory shall be taken to be a part of the factory, although it may not contain any machinery; and any part of such factory may be taken to be a factory within the meaning of this Act; but this enactment shall not extend to any part of such factory used solely for the purposes of a dwelling house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any factory or part of a factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing, or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan, or labourer, working only in making and repairing the machinery or any part of the factory.

LXXIV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A).

CERTIFICATES.

*(To be written or printed on white Paper.)**Factories Regulation Act, Victoria, c.*

No. —. CERTIFICATE of AGE for a CHILD to be employed in the Factory of situated at in
 I, of duly appointed a certifying Surgeon, do hereby certify, That Son
 [or Daughter] of and residing in has been personally examined by me this
 Day of One thousand eight hundred and and that the said Child has the ordinary Strength and Appearance
 of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years; and
 that the said Child is not incapacitated, by Disease or bodily Infirmary, from working daily in the above-named Factory for
 the time allowed by this Act.

(Signed)

Certifying Surgeon.

The form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the words, "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place: "and that a Certificate of the Birth [or Baptism] of the said Child has been produced to me in the Form required by this Act, proving that the real Age of such Child is at least Eight Years."

The form of Surgical Certificate to be given to Children employed in Silk Mills in proof that a Child is Eleven Years of Age shall be the same as the above, substituting the Word "Eleven" for the Word "Eight."

*(To be written or printed on coloured Paper.)**Factories Regulation Act, Victoria, c.*

No. —. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of situated
 at in
 I, of duly appointed a certifying Surgeon, do hereby certify, That Son
 [or Daughter] of and residing in has been personally examined by me
 this Day of One thousand eight hundred and and that the said young person has
 the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age
 of the said young Person to be at least Thirteen Years; and that the said young Person is not incapacitated, by Disease or
 bodily Infirmary, from working daily in the above-named Factory for the Time allowed by this Act.

(Signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the same as above, omitting the Words, "and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [or Baptism] of the said young Person has been produced to me in the Form required by this Act, proving that the real Age of such young Person is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the Words "duly appointed a certifying Surgeon," and substituting the Words "duly authorized by the University [or College, or other public Body having Authority in that Behalf] of to practise Surgery [or Medicine]," and making the following Addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The Child [or young Person] named in the above-written Certificate has been this Day brought before me; and the Appearance of the said Child [or young Person] agrees with the Description therein given; and I believe the real age of the said Child [or young Person] to be at least *[here insert the Word "Eight" or "Eleven" in the Case of a Child, or "Thirteen" in the Case of a young Person,]* Years; and I declare that I have no beneficial Interest in and am not the Occupier of any Factory, and that I am not the Father, Son, or Brother of the Occupier of any Factory.

Dated this

Day of

One thousand eight hundred and

(Signed) C. D., Justice [or Burgh Magistrate.]

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates authorized by this Act to be received as proof of the age of any Persons shall be obtained by the Occupier of a Factory or his Agent, they shall be fixed in a Book, to be called "The Age Certificate Book," in the Order of the Dates at which they shall have been respectively received; and such Certificates shall be numbered in the Order in which they are so fixed in the Book; but the Certificates for Children shall be kept in a separate and distinct Place in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the Certificates for young Persons.

So soon as any Certificate of Age authorized by this Act shall be obtained the Number hereinbefore required to be set against each Certificate shall be set against the Name of the Child or Young Person for whom such Certificate has been granted, in the First Column of the Register of the Persons employed required by this Act to be kept in each Factory. In any Silk Factory in which it shall be lawful to employ Children above Eleven Years of Age for Ten Hours a Day no Certificate shall be required in proof that such Children have attained the Age of Thirteen Years, so long as such Persons shall not work more Ten Hours in any One Day.

If a Surgeon shall have refused to grant a Certificate of Age to any Child or young Person, the Word "Refused" shall be written in the Column of the Register where the Numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon, do hereby declare, That _____ Son [or Daughter] of _____ residing in _____ has been personally examined by me this _____ Day of _____ One thousand eight hundred and _____ and that in my Opinion the said [Child or young Person] has not the ordinary Strength and Appearance [of a Child of at least Eight Years of Age (or of a young Person of at least Thirteen Years of Age) or (or and) is incapacitated by Disease and bodily Infirmary from working daily in a Factory for the Time allowed by this Act.]

(Signed)

Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal, to be either on account of deficient Age or of bodily Infirmary, or both, as the Case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I ~~HEREBY~~ certify, That the under-mentioned Child [or Children] employed in the Factory of _____ situated in _____ has [or have] attended the School kept by me at _____ for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [her or their] Name [or Names] during the Week ending on _____ Day of _____ One thousand eight hundred and _____, and that the Causes of Absence stated are true, to the best of my Belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(Signed)

the

Schoolmaster [or Schoolmistress].

Day of

18

Under the Column headed "Time" the Periods of the Day that each Child attends School shall be stated, as thus, from Nine to Twelve, or from Two to Five, or any other Time, as the Case may be; and all the Children employed in the same

Factory who attend School before One of the Clock in the Afternoon, shall be entered together, distinct from those who attend School after One of the Clock.

The Time when each Child attends School shall be stated in the Column for each Day, in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

In the Case of any Child who has been absent from School, the Letter (A.) shall be inserted under the Day or Days of Absence, and the Cause of Absence shall be inserted in the Column headed "Causes of Absence," so far as the same can be ascertained; and when any Day has been a Holiday at the School the word "Holiday" shall be entered in the Column of the Day.

All School Certificates, if given on loose Sheets, shall, as soon as received, be fixed in a Book, to be called "The School Certificate Book," in the Order of their respective Dates. Copies of the above Forms may be bound together in a Book for each Factory.

SCHEDULE (B.)

REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

List of young Persons employed in this Factory.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed insert opposite the Name the Word "Left;" and when any Person completes his Eighteenth Year of Age, the Word "Eighteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every young Person employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or, after having left, when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Factory, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Nature of the Moving Power, the whole amount of Horse Power of the Steam Engine or Water-wheel, and also the amount of Horse Power employed by the Occupier or Firm.
5. The Clock by which the Employment of the Workers in the Factory is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

6. The Holidays and Half Holidays which shall have been given in conformity with this Act shall be recorded together in a distinct Place in this Register.

7. The Dates when the whole of the Factory, if done at one Time, and the several Parts if done at different Times, shall have been limewashed or painted in Oil, and, when painted in Oil, the Dates of their having been washed as required by this Act, and the Names and Residences of the Persons by whom the Factory was limewashed or painted in Oil, shall be recorded in a distinct Place in this Register within Six Days after they have been so limewashed, painted or washed; and this Declaration of the Times of limewashing, painting, and washing shall be signed by the Mill Occupier or his principal Agent.

8. The Visits of the certifying Surgeon to the Factory shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	•	†	

* If the Surgeon shall be told that there is no Child or young Person in the Factory to be examined at the Time of his Visit, he shall insert in this Column the Word "None."

† If none be granted, he shall insert the Word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under Thirteen Years of Age are employed.

Names of the Children employed in this Factory before Twelve o'Clock at Noon, or the Morning Set.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Afternoon Set, the Word "Changed;" or the Words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

Names of the Children employed in this Factory after One o'Clock in the Afternoon, or the Afternoon Set.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Morning Set, the Word "Changed;" or the Words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every Child under Thirteen Years of Age employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or after having left, when re-engaged to work.

If any Child be removed from the Morning Set to the Afternoon Set, or *vice versa*, the Name of such Child must be entered as a new Comer in the Register for the Set to which it is removed, and the Number of its Certificate of Age must be placed against its Name, but no new Certificate shall be required for such Child.

If the Mill Occupier desires to change the Time of working of the Two entire Sets of Children at stated Periods (as for instance), to make a Change every Month, so that the Children who worked in the Morning one Month shall work in the Afternoon the next Month, and *vice versa* for the other Children, alternately throughout the Year, it will not be necessary to enter the Names of the Children anew, but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration, in addition to the other Details hereinbefore required:—

1. The Children entered in this Register as belonging to the Morning Set work in this Factory before Twelve o'Clock, and not after One o'Clock, on and after the First Monday of the Months of—
January, March, May, July, September, and November;
and after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—
February, April, June, August, October, and December.
2. The Children entered in this Register as belonging to the Afternoon Set work in this Factory after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—
January, March, May, July, September, and November;
and before Twelve o'Clock, and not after One o'Clock, on and after the First Monday of the Months of—
February, April, June, August, October, and December.

Signature of

Occupier or Agent.

When a Change in the Time of working of the Two entire Sets of Children is made at other stated Periods allowed by this Act the necessary Alterations shall be made in the above Declaration, to the Satisfaction of the Inspector or Sub-Inspector of the District.

In any Silk Factory in which Children above Eleven Years of Age are employed more than Seven Hours in any One Day a Register of the Names of such Children shall be kept in the above Form, distinct from the Register of the Names of the Children who are employed in Morning and Afternoon Sets.

In all Mills where more than Twenty Children or young Persons are employed an Alphabetical Index shall be kept, according to the first Letter of the Surname, of the Names of all the Children and young Persons employed in the Factory, adding to each Name the Number of the last Certificate under which the Age of the Child or young Person is employed, or if more than Sixteen Years of Age, the Letters XVI.

All the Forms contained in this Schedule (B.) which shall apply to any particular Factory may be bound together in One Book, except the Alphabetical Index of Reference hereinbefore referred to.

SCHEDULE (C.)

NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for regulating the Factory, and the Hours of all young Persons and Females employed in the Factory.

Name and Address of the Inspector of the District

Name and Address of the Sub-Inspector of the District

Name and Address of the Surgeon who grants Certificates of }
Age for the Factory - - - - - }

Clock by which the Hours of Work are regulated

The Hours of Work of all young Persons and Females above Eighteen Years of Age employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hours.
	From	To	From	To	From	To	From	To	

- In this Space the Days of the Week to which the Hours of Work refer shall be entered.

 { Signature of the Occupier of the
 Factory or his Agent.

In every Silk Factory in which Children above Eleven Years of Age are employed more than Seven Hours in any One Day a separate Notice, in the above Form, shall be fixed up of the Hours such Children are employed.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The Times allowed for Meals in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To

- In this Space the Days to which the Meal Hours refer shall be entered.

 { Signature of the Occupier of the
 Factory or his Agent.

These Notices of the regular Hours of Work fixed up in a Factory are not required to be altered when young Persons are only employed at other Hours for the Recovery of lost Time as authorized by this Act, provided the Notice required to be fixed up when recovering lost Time be fixed up, and provided on such Notice it is stated at what Time of the Day it is intended to recover the Time so lost.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any Part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

Account of Time lost and recovered.										
TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when re-covered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

 { Signature of the Occupier of the
 Factory or his Agent.

No lost Time is required to be entered except such as it may be intended to recover.

The Entries of all the Details in this Notice relating to any Time lost or recovered shall be made in conformity with the Provisions in the Act.

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

Notice of Time lost and recovered.						
TIME LOST.				TIME RECOVERED.		
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time lost.		Signature of the Person taking Time.	Time of the Night when the young Persons are employed.	Amount of Time recovered.
		Hours.	Minutes.			Hours. Minutes.

NAMES of the FEMALES and YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The Entries of Time lost, and of the Names of the Females and young Persons who have lost Time, shall be made in these Notices before any Part of the Time can be recovered.

All Notices of Time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the Order of their respective Dates, and be open for the Examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six Calendar Months after the lost Time entered therein shall have been recovered.

SCHEDULE (D.)

FORMS OF NOTICES, SUMMONSES, AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such Driving Strap or Band in the Factory, as appears to him to be dangerous to the Workers.

To [Name of Occupier], Occupier of a [Description of the Manufacture] Factory, situate in the Parish of and County of

I hereby give you Notice, that the following Parts of the Machinery in your Factory, namely [*here enumerate the Parts*], appear to me to be dangerous, and likely to cause bodily Injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that by the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of this Act*], it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, and if any Persons shall suffer any bodily Injury in consequence of such Neglect or Failure, you will be liable to a Penalty of One hundred Pounds, over and above all Damages, Costs, and Charges to which you may be found liable in any Action brought against you by or on behalf of the Person so injured.

Given under my Hand, this Day of in the Year One thousand eight hundred and

(Signed) Inspector [or Sub-Inspector].

FORM of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of }
(or Borough of) }

To the Constable of

WHEREAS it appeareth to me, I. F., One of Her Majesty's Inspectors [or Sub-Inspector] of Factories, that A. D. of in the County [or Borough, &c.] hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of this Act*], forasmuch as he the said A. D. on the Day of in the Year of our Lord at in the County [or Borough, &c.] did [*here set forth the Substance of the Charge*]; these therefore are to require you forthwith to summon the said A. D. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [or Borough, &c.] of who shall be present at in the County [or Borough, &c.] of on the Day of at the Hour of in the noon of the same Day, to answer

to the said Charge, and to be further dealt with according to Law. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this

Day of

in the Year of our Lord

(Signed)

I. F., Inspector [or Sub-Inspector].

FORM OF SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of }
(or Borough of) }

To the Constable of

WHEREAS it appeareth to me, I. F., One of Her Majesty's Inspectors [or Sub-Inspector] of Factories, that A. D. of in the County [or Borough, &c.] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [here set forth the Title of the Act]; forasmuch as he the said A. D. on the Day of in the Year of our Lord at in the County [or Borough, &c.] of did [here set forth the Substance of the Charge], and that B. P. of in the County [or Borough, &c.] is a material Witness to be examined concerning the said Charge; these therefore are to require you forthwith to summon the said B. P. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [or Borough, &c.] of as shall be present at in the County [or Borough, &c.] of on the Day of at the Hour of in the noon of the same Day, to testify his Knowledge concerning the Premises. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this

Day of

in the Year of our Lord

(Signed)

I. F., Inspector [or Sub-Inspector].

FORM OF CONVICTION.

County of } BE it remembered, That on the Day of in the Year One thousand
[Liberty or Borough, } eight hundred and A. B. [describe the Offender] is convicted before us, J. P. and
as the case may be. } K. Q., Two of Her Majesty's Justices of the Peace for the County [Liberty or Borough, as the
Case may be.] of in pursuance of an Act passed in the Year of the Reign of Queen
Victoria, intituled [here insert the Title of this Act], for that he [describe the Offence].

Given under our Hands and Seals, the Day and Year above written.

J. P. (L.S.)

K. Q. (L.S.)

CAP. XVI.

AN ACT to amend the Laws relating to the Customs.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

- | | |
|-------------|--|
| | 1. Commencement of Act. |
| Regulation. | 2. Ship not to be cleared until coal owner or agent has delivered to collector two fitters certificates, one of which to be retained and the other delivered to the master for production at the port of delivery. |
| | 3. Tobacco stalks to be deemed tobacco. |
| | 4. Persons on board foreign mail packets, having contraband goods on board, liable to detention, and to a penalty of 100 <i>l</i> . |
| Smuggling. | 5. Several persons concerned in the same offence may be sued by one information. |
| | 6. Persons having been before convicted of an offence against the Customs may, upon a verdict passing against them, be sentenced to hard labour. |
| | 7. Persons previously convicted may be held to bail for full amount of penalty. |
| | 8. Alteration of certain duties imposed by 5 & 6 Vict. c. 47. |
| | 9. Additional duty of 5 <i>l</i> . per cent. upon amount of duties on articles in the Table. |
| Duties. | 10. Vinegar or acetic acid to be charged with duty according to strength. |
| | 11. Repeal of duty on olive oil flasks. |
| | 12. Repeal of duties on Alpaca and Llama wool, and on certain articles when partly wrought up. |
| | 13. Repeal of 5 & 6 Will. 4. c. 66. s. 2. respecting the entry of coffee the produce of British possessions in East Indies. |
| | 14. Act may be amended this session. |

By this Act,

After reciting that several Acts were passed in the third and fourth years of the reign of His late Majesty King William the Fourth, for consolidating the laws of the Customs: And that it has been found necessary from time to time by certain other Acts to make certain alterations therein: And that certain further alterations are now required:—

It is Enacted,

I. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for the purposes mentioned therein, except where any other commencement is hereinafter particularly directed.

II. That no ship shall be cleared from any port of the United Kingdom, either for a coasting or a foreign voyage, laden with coals or culm or cinders, which had not been previously brought coastwise into such port, until the fitter, or the coal owner or his agent vending or shipping the same, shall have delivered to the collector or controller two certificates under his hand, expressing the total quantities of coals, culm, and cinders respectively shipped or intended to be shipped by him in such ship; and the collector or controller shall retain one of such certificates, and shall deliver the other, signed by him, to the master of the ship; and every fitter, coal owner or agent, who shall refuse to give such certificates, or shall give a false certificate, shall forfeit and pay the sum of 100*l.*; and the master of such ship shall keep such certificate, and produce the same to any officer of Customs demanding such production, and shall, before bulk be broken, deliver such certificate to the collector or controller of any port in the United Kingdom to which such coals, culm, or cinders shall be carried in such ship.

And after reciting that doubts have arisen whether tobacco stalks are to be deemed and taken to be tobacco, within the meaning of the aforesaid Acts:—

It is Enacted and Declared,

III. That tobacco stalks shall be deemed and taken to be tobacco, within the meaning of the said Acts or any one of them, and shall be described as tobacco in any information for any penalty or forfeiture incurred or to be incurred under the said Acts or any one of them: Provided always, that nothing herein contained shall repeal any part of any Act whereby the importation of tobacco stalks is prohibited.

IV. That every person who shall be found or discovered to have been on board any foreign post office packet, being a national vessel employed in conveying the mails between any foreign country and the United Kingdom, such packet being found or discovered to have been within any port, harbour, river, or creek in the United Kingdom, not being driven therein by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having on board or in any manner attached thereto, or conveying or having conveyed in any manner, any spirits not being in a cask or package, containing twenty gallons at the least, or any tea exceeding six pounds weight in the whole, or any tobacco or snuff, not being in a cask or package, containing 300 pounds weight at least, shall forfeit the sum of 100*l.*; and it shall be lawful for any officer or officers of the army, navy, or marines, being duly employed for the prevention of smuggling, and on full pay, or for any officer or officers of Customs or Excise, or other person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, and he and they is and are hereby authorized, empowered, and required, to detain every such person, and to carry and convey such person before any Justice or Justices of the Peace, to be dealt with according to law: Provided always, that no such person shall be liable to be detained for any such offence unless there shall be reasonable ground to believe that such person was the owner of such goods, or was concerned in bringing the same into such ports and other places as are hereinbefore mentioned, or in concealing the same.

V. That where by any Act relating to the Customs a penalty is imposed upon every person committing or concerned in the act by which such penalty is incurred, and such offence shall have been committed by several persons jointly, or several persons shall have been concerned in the same, such several persons shall jointly and severally incur every such penalty; and it shall be lawful to proceed against such persons to recover such penalties jointly by one information, or severally by separate informations, as the Attorney General or the Commissioners of Her Majesty's Customs respectively may deem expedient.

VI. That where any verdict shall hereafter pass against any person in any of Her Majesty's courts of record for any offence committed after the passing of this Act, for which offence any pecuniary penalty shall have been inflicted by any Act relating to the Customs, and such person shall have before been duly convicted, either by verdict in any of Her Majesty's courts of record or otherwise, of any such offence, it shall and may be lawful for the Judges of the said court in which such person shall be so convicted to order and adjudge that such person shall, in lieu of any penalty, be imprisoned in any house of correction for any period not less than six nor more than twelve calendar months; and the governor or keeper of any house of correction is hereby required to receive any person committed under any such order or judgment.

VII. That when any writ of *capias* shall hereafter issue against any person for any such offence as is hereinbefore lastly mentioned, and such person shall before have been convicted of any such offence, such writ shall issue and such person shall be held to bail for the full amount of the penalty sought to be recovered against him.

After reciting that by 5 & 6 Vict. c. 47, intituled 'An Act to amend the Laws relating to the Customs,' and by Table (A.) annexed to the said Act, certain duties are imposed upon the articles mentioned in the Table hereunto annexed: and that it is expedient to make certain alterations in respect thereof:—

It is Enacted,

VIII. That instead of any duties imposed by the said last-mentioned Act upon the articles mentioned in the Table hereunto annexed the several duties set forth in figures in the said Table shall, in respect of such articles as are mentioned therein, be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, in like manner as if such duties had been imposed in and by the said last-mentioned Act, and had been set forth in the said Table thereunto annexed.

IX. That there shall be charged, raised, levied, collected, and paid unto her Majesty, her heirs and successors, in addition to the duties mentioned in the said Table hereunto annexed, upon the several articles enumerated therein, a further duty of *5l.* per centum upon the amount of the several duties in and by the said Table respectively charged upon the said articles, and each of them, except with regard to cordials and liqueurs, which shall be subject, in lieu of the further duty of *5l.* per centum, to the further duty of *4d.* per gallon.

X. That to prevent vinegar or acetous acid of excessive strength being brought into consumption upon payment of duty as common vinegar or acetous acid, to the great injury of Her Majesty's revenue, all such liquors as aforesaid subject and liable to the duty imposed by this Act shall and may be tried and examined by any officer or officers of Customs with such acetometer as shall and may be from time to time directed by the Commissioners of Customs, in order to ascertain the strength thereof; and that whenever any such liquors shall upon any such trial be found by any officer or officers of Customs to be above proof, as denoted by such acetometer, (proof being such strength of acetous acid that one hundred parts of the liquor by weight will saturate or neutralize fourteen and a half parts by weight of crystallized sub-carbonate of soda,) the number of gallons of such liquors of which such trial is made shall be deemed and computed by such officer or officers to be such number as could be made from or with such liquors if diluted by water to the strength of proof denoted as aforesaid, and shall be chargeable and taken account of and charged by such officer with duty accordingly.

XI. That the duty now chargeable upon flasks in which olive oil is imported be repealed.

XII. That the duties now chargeable upon the importation of sheep and lambs wool and upon wool of the Alpaca and the Llama tribe, and upon goats wool or hair, and upon the exportation of wools and skins, and of "manufactures or pretended manufactures slightly wrought up, so as that the same may be reduced to and made use of as wool again, and upon mattresses or beds stuffed with combed wool, or wool fit for combing or carding," be repealed.

And after reciting that by 5 & 6 Will. 4. c. 66, it is enacted that no coffee shall be entered as being the produce of any British possession within the limits of the East India Company's charter unless the master of the ship importing the same shall have delivered to the collector or controller a certificate under the hand and seal of the proper officer at the place where such coffee was taken on board, testifying that a declaration in writing had been made and signed before him (the contents of which he had examined, and believed to be true,) by the shipper of such coffee that the same was really and *bona fide* the produce of some such British possession, nor unless such master shall also make and subscribe a declaration before the collector or controller that such certificate was received by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein: And that it is expedient that the same enactment should be repealed:—

It is Enacted,

XIII. That so much of the said Act lastly hereinbefore recited as is hereinbefore mentioned shall be and the same is hereby repealed.

XIV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

TABLE OF NEW DUTIES, 1844.

	£.	s.	d.		£.	s.	d.
Alganobilla Seed the cwt.	0	0	3	the Limits of the East India Company's			
Lard Oil for every 100 <i>l.</i> value	20	0	0	Charter, in regard to which the Conditions of			
Myrobalane Berries the ton	0	1	0	the Act 4 Vict. c. 8. have or shall have been			
Vegetable Wax the cwt.	0	2	0	fulfilled, sweetened or mixed with any Article			
Colchicum Seed the cwt.	0	1	0	so that the Degree of Strength thereof cannot			
Kernels of Walnuts and Kernels of Peach Stones,				be ascertained by Sykes's Hydrometer, the gal.	0	9	0
commonly used for expressing Oil therefrom,				Bottles of Glass not otherwise enumerated or de-			
the ton	0	1	0	scribed the cwt.	1	0	0
Croton Seed, commonly used for expressing Oil				— and further, on account of the Excise Duty,			
therefrom the quarter	0	0	1	the cwt.	0	7	0
Prussiate of Potash the lb.	0	0	2	Flint and Cut Glass . . . for every 100 <i>l.</i> value	30	0	0
Tallow Greaves the ton	0	1	0	— and further, on account of the Excise Duty,			
Scrap Steel the ton	0	5	0	the cwt.	0	7	0
Gallic Powder the ton	0	5	0	Glass Manufactures, not otherwise enumerated			
Cocoa, of or from Foreign Countries . . the lb.	0	0	2	or described, and old broken Glass fit only to			
Coffee, of or from Foreign Countries . the lb.	0	0	6	be re-manufactured . . . the cwt.	1	0	0
Currants the cwt.	0	15	0	— and further, on account of the Excise Duty,			
Confectionery the lb.	0	0	6	the cwt.	0	7	0
Cordials and Liqueurs, except Rum Shrub, being				Plums preserved in Sugar . . . the lb.	0	0	6
the Produce of any British Possession in				Vinegar the tun	4	4	0
America, or of any British Possession within							

CAP. XVII.

AN ACT for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies*.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Proviso in last-recited Act, limiting the time for making applications for extension of time for repayment of loans, repealed, and Commissioners enabled to grant such extension.*
 2. *Grants for extension of time need not be recorded.*
 3. *Commissioners may transfer securities, &c.*
 4. *Conveyances by Commissioners to have the same effect as if executed by Her Majesty.*
 5. *Act may be amended this session.*
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By this Act,

After reciting that by 2 & 3 Will. 4. c. 125, it was (amongst other things) enacted, that it should be lawful for the Commissioners thereby appointed, or other the Commissioners for the time being acting in the execution of the said Act, or any three of them, to advance and lend Exchequer bills to the amount and in the proportions therein specified to the owners of and persons interested in estates which had suffered injuries from the causes therein mentioned in the islands of Jamaica, Barbadoes, Saint Vincent, and Saint Lucie, and that the said Commissioners, or any three of them, as therein mentioned, should take such security or securities as therein mentioned for the repayment of any advances or loans to be made under the said Act within ten years from the time of such advances respectively, with interest for the same in the mean time after the rate of 4l. per centum per annum, with power to the said Commissioners, in default of repayment of such loans or advances, to take possession of any of the mortgaged premises, and to sell or mortgage the same as therein mentioned; and it was enacted that all mortgages and other securities to be made in pursuance of the said Act should have such priority as therein is mentioned: And that by 5 & 6 Will. 4. c. 51, it was (amongst other things) enacted, that it should be lawful for the Commissioners acting in the execution of the said recited Act to advance Exchequer bills to a certain amount to the owners of and persons interested in the property in the said island of Dominica which had suffered injury as therein mentioned, and that such advances should be made in the same manner in all respects as was provided by the said recited Act with regard to the advances thereby authorized to be made: And that by 3 & 4 Vict. c. 40, it was (amongst other things) enacted, that it should be lawful for the Commissioners for the time being acting in the execution of the said therein and hereinbefore recited Acts, or any three of them, with the consent in writing of the Lord High Treasurer for the time being, or any three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, upon any application made to them at any time before the passing of the said Act, or upon any application thereafter to be made to them, to grant any extension or enlargement of the time limited for the repayment of any loan or advance which should have been or should be made under the provisions or authority of the thereinbefore recited Acts, or any part of such loan or advance, for any period not exceeding ten years from the day originally fixed for the repayment thereof or the last instalment thereof, together with interest for the same as in the said Act now in recital is provided, and so that every such extension of time should be made on the conditions in the said Act now in recital specified; and it was by the said Act provided, that every such application should be made not less than one year before such time or times so limited for the repayment of such loans should arrive: and that it is expedient that the powers of granting such extension of time should be altered, and that the said Commissioners should be enabled to make such transfers of the securities made in pursuance of the said Acts, and the monies thereby secured, in manner after mentioned:—

It is Enacted,

1. That so much of the said last-recited Act as provides that every such application for such extension of time for the payment of any such loan as aforesaid should be made within one year before the time or times limited for the payment of such loans as aforesaid should arrive shall be and is hereby repealed; and that henceforth it shall and may be lawful for the said Commissioners acting in the execution of the said recited Acts, or any three of them, with such consent and in all respects whatsoever as by the said lastly hereinbefore recited Act is provided, to grant such extension of time for the repayment of such loans as aforesaid in all respects as is by the said Act provided, and under and subject to the conditions in the said last-recited Act specified, except that any such extension of time may be granted at any time hereafter, and without regard to the period at which the application for the granting thereof shall be or shall have been made, and notwithstanding the time originally fixed for the repayment of such loan shall have arrived, or that the monies so secured as aforesaid shall be actually due; and any such extension which shall be hereafter granted shall be taken to have been granted in pursuance of the powers in the said recited Acts contained in all respects whatsoever, except as regards the hereby repealed provision contained in the lastly hereinbefore recited Act.

II. That it shall not be necessary to record, register, or enrol, in any colonial registry or elsewhere, any such grant or extension of time, or any power of sale or covenant to be entered into on the granting such extension, which may already have been made or may hereafter be made in pursuance of the said recited Acts or of this Act; but that every such grant of extension, and other instrument, power of sale, or covenant, shall in all respects have the same effect as if the same respectively had been

duly registered, recorded, or enrolled on the day of the date thereof, in pursuance of any law or provision for the registering, recording, or enrolling of instruments which may be subsisting in the island or colony wherein the hereditaments to which such instruments may relate are situate.

III. That it shall be lawful for the said Commissioners acting in the execution of the said recited Acts, or any three of them, to make any transfer of any sum or sums of money secured to or owing to Her Majesty under or by virtue of any security made in pursuance of the said recited Acts respectively, and either before or after such sums shall be actually due, and any interest thereon which may be due, and to convey and assure the securities for the same unto or in trust for any person or persons who shall pay and discharge all principal monies due or secured by such mortgage security as aforesaid, and the interest thereon, such principal monies and interest to be paid into the Bank of England, and in all respects as by the said first-recited Act is provided with respect to the repayment of the monies to be secured by virtue of the provisions of the said Act; and upon any such transfer and disposition so to be made as aforesaid the person or persons to whom such transfer or disposition shall be made, his, her, or their heirs, executors, administrators, and assigns, respectively, shall have in all respects such and the same priorities, privileges, powers, and securities as by the said recited Acts or any of them are given to Her Majesty or the said Commissioners, or any of them, or which her said Majesty, her heirs or successors, or the said Commissioners acting in execution of the said recited Acts, would have had in case no such transfer had been made.

IV. That every conveyance, transfer, and assignment, authorized by this Act may be made and executed by the Commissioners for the time being acting in the execution of the said recited Acts, or by any three of them, or by any attorney or attorneys by them or any three of them appointed for that purpose by deed under their hands and seals; and every such conveyance, transfer, or assignment so made and executed shall have the same effect to all intents and purposes as if made and executed by Her said Majesty, her heirs or successors.

V. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XVIII.

AN ACT to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Any officer who may convene or confirm courts-martial for the Queen's troops, or for the East India Company's troops, may convene or confirm courts-martial for any troops under his actual command.*
2. *Offenders may be tried wheresoever they may be serving or the offence may have been committed.*
3. *Her Majesty may authorize commanders-in-chief to delegate power of confirming sentences of general courts-martial.*
4. *No other confirmation necessary, except in certain cases.*
5. *Confirmation of sentences of death on commissioned officers.*
6. *Act not otherwise to affect laws now in force.*
7. *Act to extend only to the East Indies.*
8. *Continuance of Act as to Her Majesty's forces.*

By this Act,

After reciting that doubts have arisen as to the proper authority by which, in certain cases, courts-martial may be appointed and convened, and the sentences thereof confirmed, in the East Indies and elsewhere; and it is important to the maintenance of good order and military discipline that such doubts should be removed:—

It is Enacted,

1. That, any law, custom, usage, statute, regulations, articles of war, or warrant to the contrary notwithstanding, any general or other officer who may from time to time have power to appoint or convene general or district or other courts-martial for the trial of offences committed by any of the officers or soldiers in the service of Her Majesty, or by any of the officers, soldiers, or followers in the service of the East India Company, not being natives of the East Indies or other places within the limits of the said Company's charter, or by any of the officers, soldiers, or followers in the service of the said company, being natives of the East Indies or other places within the limits aforesaid, shall, without any further or other authority or warrant, have power and authority to appoint or convene general or district or other courts-martial (as the case may be) to be holden for the trial of offences committed by any officer, soldier, or follower in any of the said services, who may be under the actual command or who may be or come within the local limits of the command of such general or other officer, although the power of such officer as to appointing or convening courts-martial might but for this Act extend to one or more of the said services only, or to some only of the forces belonging to any one or more of such services: and that in like manner any general or other officer who may from time to time have power to confirm sentences of general or district or other courts-martial for the trial of offences committed by any of the officers or soldiers in the service of Her Majesty, or by any of the officers, soldiers, or followers in the service of the East India Company, not being natives as aforesaid, or by any of the officers, soldiers, or fol-

lowers in the service of the East India Company, being such natives as aforesaid, shall, without any further or other authority or warrant, have power and authority to confirm sentences of general or district or other courts-martial (as the case may be) held for the trial of any officer or soldier or follower in any of the said services, who may be under the actual command or who may be or come within the local limits of the command of such general or other officer, although the power of such officer, as to confirming the sentences of courts-martial, might but for this Act extend to one or more of the said services only, or to some only of the forces belonging to any one or more of such services.

II. That the said several powers may be exercised as aforesaid to whichever of the presidencies of Fort William, Fort Saint George, or Bombay the offender may belong, or whether the general or other officer appointing or convening the court-martial, or confirming the sentence, may be the officer commanding in chief in India, or at the presidency to which the offender may belong, or at any other presidency, or may hold his command or his power to appoint, convene, or confirm the sentences of courts-martial from or under the officer commanding in chief in India, or at the presidency to which the offender may belong, or at any other presidency, or may hold such command or power from or under any other authority whatsoever, or whether the offence shall have been committed before or after the officer appointing or convening the court or confirming the sentence shall have taken the command, or before or after the offender shall have been under the command of such officer, or before or after the offender shall have been or shall have come within the local limits of the command of such officer, or wheresoever, whether within the presidency to which the offender may belong, or within any other presidency, possessions, or territories under the government of the said company, or on the high seas, or elsewhere, the offender may be serving, or the offence shall have been committed, or the court-martial shall be appointed, convened, or held.

III. That, any articles of war or usage to the contrary notwithstanding, Her Majesty may grant warrants under her sign manual severally empowering the officer commanding in chief the forces in India, and the general or other officer commanding the forces at each or any of the presidencies of Fort William, Fort Saint George, and Bombay for the time being, to authorize any general or other officer not below the rank of a field officer, having the command of any body of the troops of Her Majesty or of the said company serving in the possessions or territories which are or may be under the government of the said company or elsewhere, to confirm the sentences of general courts-martial which shall be holden for the trial of offences committed by any officer, soldier, or follower of or belonging to such troops; and the officer commanding in chief the forces in India, or the general or other officer commanding the forces at any of the said presidencies, being so empowered, may authorize any such general or other officer to confirm such classes of sentences only, or sentences passed for such classes of offences only, or on such classes of persons only, as he may think fit, reserving to himself the power of confirming sentences in all such cases as such general or other officer may not be authorized to confirm, or may think fit to send for the decision of such officer commanding in chief the forces in India, or of such officer commanding the forces at one of the said presidencies.

IV. That when, by any Act of Parliament or articles of war, the sentence of a court-martial is not to be carried into execution until confirmed by the general or other officer commanding in chief at the presidency in the territories subordinate to which the offender shall have been tried, with the concurrence of the Governor General in council, or governor in council, or governor of such presidency, it shall not be necessary, in any such case, that a sentence so confirmed, with such concurrence, should, in addition, be reported to or approved or confirmed by the general or other officer commanding in chief the forces of the presidency to which the offender may belong; and the officer confirming the sentence, with such concurrence, and in all other cases the officer authorized under the provisions in this Act contained to confirm the sentence of any court-martial, shall have power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

V. That nothing in this Act contained shall empower any person not otherwise duly authorized in that behalf to confirm any sentence of death, transportation, or cashiering on any commissioned officer employed upon Her Majesty's staff, or serving in any of Her Majesty's regular regiments; and that nothing in this Act contained shall empower any officer, other than those hereinafter mentioned, to confirm the sentence of death, transportation, or cashiering on a commissioned officer of the East India Company's service; (that is to say,) the general or other officer commanding in chief at the presidency within which, or in territories subordinate to which, the offender shall have been tried, or the general commanding in chief the army to which the division, brigade, or party in which the offender may be serving shall belong or be attached.

VI. Provided and enacted, That, save as hereinbefore is expressly provided, this Act shall not alter or affect the laws, statutes, regulations, articles of war, usages, or customs which now are or hereafter may be in force with respect to Her Majesty's forces or the forces of the said East India Company, whether natives or not of the East Indies, or other places within the limits of the said Company's charter: Provided also, that this Act shall not be construed as declaring or interpreting the extent of Her Majesty's royal prerogative, or the meaning of any former Act or of any article of war.

VII. That the provisions of this Act shall apply to all such persons as may from time to time be liable to martial law under the provisions of any Act of Parliament or articles of war, and who may from time to time be serving or may be or come within the limits of the charter of the East India Company, construing the same as extending to all places and seas eastward of the Cape of Good Hope to the Straits of Magellan.

VIII. That, so far as regards officers and soldiers in Her Majesty's service, this Act shall continue in force so long only as there may be in force some Act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

CAP. XIX.

AN ACT for regulating the Bailiffs of Inferior Courts.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Bailiffs to be appointed by the Judge of the court.*
2. *Bailiffs to give security.*
3. *Bailiffs taking fees other than those allowed, to be discharged.*
4. *Remedies against officers of the court guilty of extortion or misconduct.*
5. *Persons forging process, &c. guilty of felony.*
6. *Sale not to be till three days after execution.*
7. *Penalty for assaulting bailiffs, or rescuing persons or goods taken in execution.*
8. *Limitation of actions, &c.*
9. *Meaning of "Judge."*
10. *Act may be amended.*

By this Act,

After reciting that courts are holden in and for sundry counties, hundreds, and wapentakes, honours, manors, and other lordships, liberties, and franchises, having by custom or charter jurisdiction for the recovery of debts and damages in personal actions, and in many places great extortion is practised under colour of the process of such courts : for remedy thereof,—

It is Enacted,

I. That the Judge of every such court shall have power to appoint a sufficient number of proper and responsible persons to act as bailiffs of the said court, and in the execution of the process thereof, and to suspend or dismiss any such bailiff for misconduct, and no bailiff so dismissed shall be qualified to be re-appointed ; and the bailiffs of the court so appointed, and no other persons, save as hereinafter mentioned, shall serve all summonses, and execute all orders, warrants, precepts, writs, and other processes issued out of the said court ; and a list containing the name and place of abode of every such bailiff shall be put up in a conspicuous place in the said court : Provided always, that this Act shall not extend to prevent any process from being executed by any high sheriff or high bailiff, or any officer appointed by Act of Parliament to perform the duties of sheriff with regard to the execution of process out of any such court, or his or their bound bailiffs or other officers.

II. That every bailiff so appointed under this Act shall give to the said Judge security, in such sum and manner and form as he shall from time to time order, for the due performance of his office, and for payment of all monies received by him in the execution of his office.

III. That every bailiff authorized to execute the process of any such court who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever other than and except such fees as shall be allowed by law and declared by order of the Court, which shall be put up in some conspicuous place in the court, shall, upon proof thereof before the said Court, be for ever incapable of serving or being employed in any office of profit or emolument of the said court.

IV. That if any bailiff acting under colour or pretence of the process of any such court shall be guilty of extortion or misconduct, or shall not duly pay or account for any money levied under process of the said court, it shall be lawful for the Judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs to the parties aggrieved, as he shall think just ; and in default of payment of any money so ordered to be paid within the time specified for the payment thereof it shall be lawful for the Judge of the said court, by warrant under his hand and seal, to cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of such distress and sale, and in default of such distress to commit the offender to the county gaol or house of correction for any time not exceeding one calendar month.

V. That for every such court a seal shall be made under the direction of the Judge of such court, and that all summonses and other process issuing out of the said court shall be sealed or stamped with such seal ; and every person who shall forge the seal or any process of the court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said court, knowing the same to be false, or who shall act or profess to act under or by the authority of such summons or process, knowing the same to be false, or who shall take upon himself to act as a bailiff of any such court without lawful authority, shall be guilty of felony.

VI. That no goods which shall be taken in execution under any process of any such court shall be sold until the end of three days at least next following the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon request in writing under the hand of the party whose goods shall have been taken ; and until such sale the goods so taken shall be in the custody of the bailiff to whom the warrant of execution shall have been directed.

VII. That if any bailiff of any such court shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person or goods taken or levied under process of any such court, the person offending

therein, on conviction thereof before any two Justices of the Peace, shall be imprisoned with or without hard labour in the common gaol or house of correction for any term not exceeding three calendar months, or shall forfeit and pay such fine not exceeding 5*l.* as may be set upon him by the said Justices of the Peace; and every such fine, with the costs of conviction, in case of non-payment thereof, shall be levied by distress and sale of the goods of the offender.

VIII. That all actions and prosecutions to be commenced against any bailiff of any such court for anything done in pursuance of his duty as such bailiff, or for such grievance, misfeasance, or nonfeasance as aforesaid, shall be laid and tried in the county where the offence was committed, and shall be commenced within three calendar months after the fact committed, and not afterwards or otherwise; and notice in writing of such action or prosecution, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of such action or prosecution; and no plaintiff shall recover in any such action if tender of sufficient amends, in the opinion of the Judge who shall try such action, shall have been made before action brought, or if after action brought a sufficient sum of money, in the opinion of the Judge as aforesaid, with costs, shall have been paid into court, in satisfaction of such action.

IX. That in this Act the word "Judge" shall be construed to mean the county clerk, under-sheriff, steward, or other person by or before whom any such court shall be holden.

X. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XX.

AN ACT to amend an Act of the First and Second Years of Her present Majesty, for securing the Debt due by the City of *Edinburgh* to the Public.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Leith Harbour Commissioners incorporated.*
2. *Feesing harbour and works in the Commissioners when incorporated.*
3. *Securities and deeds.*
4. *Act may be amended this session.*

By this Act,

After reciting the passing of 1 & 2 Vict. c. 55: And that by the said Act the port and harbour of Leith, and lands, houses, and areas, and other properties connected therewith, and rates and duties payable thereat, as held by the Lord Provost, magistrates, and council of the city of Edinburgh, were vested in the Commissioners to be appointed and elected by virtue of the said Act for the purpose (among other things) of regulating and securing the debt due by the city of Edinburgh to the public: And that it would occasion much expense and inconvenience were it necessary from time to time to renew the rights and investitures of the aforesaid port and harbour of Leith, and property, in favour of such Commissioners as may be appointed and elected in the room of those dying, resigning, or becoming disqualified, and it is expedient to prevent the same:—

It is Enacted,

I. That the Commissioners for the superintendence and management of the harbour and docks of Leith, elected and appointed for the time being in pursuance of the said recited Act, shall be and they are hereby declared to be one body politic and corporate, for the purposes set forth in the aforesaid Act, and the Acts therein referred to, and in this Act, by the name and style of "The Commissioners for the Harbour and Docks of Leith," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall and may hold the aforesaid port or harbour of Leith, and the rates and duties payable thereat, and all lands, tenements, heritages, and other property, real and personal, of and belonging to the said harbour and docks of Leith, and may purchase or acquire other lands, tenements, or heritages, or other property, real or personal, to be held by them for the use of the said harbour and docks of Leith, but for no other use or purpose, and may also sell or dispose of, with the consent of the Commissioners of Her Majesty's Treasury, any part of the said real or personal property, if they shall deem it expedient, for the use and behoof of the said harbour and docks, the price or consideration money obtained upon such sales being always applied in repairing or ameliorating the other or remaining property of or belonging to the said harbour and docks, or in the purchase of other lands, tenements, or heritages, to belong unto the said Commissioners.

II. That the aforesaid port and harbour of Leith, and the rates and duties payable thereat, and all lands, tenements, heritages, and other property, real and personal, at present vested in the said Commissioners or their predecessors in office, shall be and the same are hereby vested in the said Commissioners for the time being as a body corporate for the purposes aforesaid, in like manner and to the same end and effect as if the titles and investitures were so expressed, and that without any new conveyance or investiture, whatever may be the terms in which the rights and titles have been taken.

III. That every security, evident, and deed shall be deemed and held to be the security, evident, and deed of the said Commissioners, which shall be signed at and in presence of a meeting of the said Commissioners as follows; where the same consists of only one page, by the preses of the meeting, and at least four others of the said Commissioners present at the time; and where the same shall consist of more than one page, by the preses of the meeting upon each page, and by at least four others of the said Commissioners present at the time upon the last page; any law or practice to the contrary notwithstanding.

IV. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XXI.—IRELAND.

AN ACT to reduce the Stamp Duties on Policies of Sea Insurance and on certain other Instruments, and to repeal the Duties on certain Bonds, and the Law requiring Public Notaries in Ireland to deliver Accounts of Bills and Notes noted by them.

(6th June 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Stamp duties on policies of sea insurance, and on certain agreements, and also on certain instruments for appointing proxies, repealed, except as to arrears.*
2. *New duties granted in lieu of duties repealed.*
3. *Powers and provisions of former Acts to be applied to the duties granted by this Act.*
4. *Penalty for evading the duties on insurances.—The London Assurance and the Royal Exchange Assurance Corporations allowed to make agreements on unstamped slips, on certain conditions.*
5. *Agreements chargeable with duty under this Act may be stamped within fourteen days after the making thereof without penalty.—Penalty on stamping the same afterwards, 10l.*
6. *Instruments of proxy to be available for voting at one meeting, or at any adjournment thereof.*
7. *Commissioners not to stamp instruments appointing proxies after the signing thereof.—Penalty for signing instruments appointing proxies, not being duly stamped, or for voting under such instruments.*
8. *Recital of 6 Geo. 4. c. 41.—Stamp duty on bonds given for obtaining drawbacks of duties of Customs or Excise repealed.*
9. *Recital of 55 Geo. 3. c. 101. s. 30, requiring public notaries in Ireland to deliver accounts of bills and notes noted by them, and to pay the stamp duties as for protests thereof.—Enactment repealed.*
10. *Act may be altered this session.*

By this Act,

After reciting that under and by virtue of 55 Geo. 3. c. 184, certain stamp duties specified and contained in a schedule to the said Act annexed were granted and made payable in Great Britain for and in respect of (amongst other things) policies or other instruments of insurance, agreements, and letters or powers of attorney; and that by 3 & 4 Will. 4. c. 23, the duties granted by the said first-recited Act on certain policies or other instruments of sea insurance were repealed, and in lieu thereof other stamp duties were granted and made payable in Great Britain and Ireland respectively for and in respect of the same policies or instruments: And that under and by virtue of 5 & 6 Vict. c. 82, the stamp duties granted and then payable in England under or by virtue of the said first-recited Act were extended to and made payable in Ireland in lieu of certain stamp duties repealed by the last-recited Act: And that it is expedient to reduce the stamp duties now payable in Great Britain and Ireland respectively on policies or other instruments of sea insurance, and on certain agreements, and also on certain letters or powers of attorney or other instruments for appointing proxies:—

It is Enacted,

1. That from and after the passing of this Act the stamp duties now payable in Great Britain and Ireland respectively, under or by virtue of the said several recited Acts or any of them, on the policies or other instruments of sea insurance, and on the agreements, and also on the letters or powers of attorney or other instruments for appointing proxies respectively mentioned and described in the Schedule hereunto annexed, and whereon other duties are by this Act granted and imposed, shall respectively cease and determine, and shall be and the same are hereby repealed, save and except so much and such part and parts of the said duties respectively as shall have accrued or been incurred before or upon the passing of this Act, and shall then or at any time afterwards be or become due or payable, and remain in arrear and unpaid, all which said duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same ways and means and with such and the same penalties as if this Act had not been passed.

11. That from and after the passing of this Act, in lieu and instead of the said several duties by this Act repealed there shall be granted, raised, levied, collected, and paid in Great Britain and Ireland respectively, unto and for the use of Her Majesty, her heirs and successors, for and in respect of the several articles, matters, and things mentioned and described in the Schedule to this Act annexed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the said last-mentioned Schedule, and that the said last-mentioned Schedule, and the several provisions, regulations, and directions therein contained with respect to the said duties, and the articles, matters, and things charged therewith, shall be deemed and taken to be part of this Act.

111. That the said duties by this Act granted shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Stamps and Taxes for the time being; and that all the powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties, contained in or imposed by the several former Acts of Parliament relating to any prior duties of the same kind or description in Great Britain and Ireland respectively, and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the duties by this Act granted, and to the vellum, parchment, and paper, articles, matters, and things charged and chargeable therewith, and to the persons liable to the payment of the said duties, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing

of the said duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually, to all intents and purposes, as if the same had been herein repeated and specially enacted with reference to the said duties by this Act granted.

iv. That if any person shall become an assurer upon any insurance in respect whereof any duty is by this Act made payable, or shall subscribe or underwrite, or otherwise sign or make or enter into any contract, agreement, or memorandum of any such insurance, or shall receive or contract for any premium or consideration for any such insurance, or shall receive or charge or take credit in account for any such premium or consideration as aforesaid, or any sum of money as or for any such premium or consideration as aforesaid, or shall wilfully or knowingly take upon himself any risk, or render himself liable to pay, or shall pay, or allow, or agree to pay, or allow in account or otherwise, any sum of money upon any loss, peril, or contingency relative to any such insurance, unless such insurance shall be written on vellum, parchment, or paper duly stamped, or if any person shall be concerned in any fraudulent contrivance or device, or shall be guilty of any wilful act, neglect, or omission, with intent to evade the duties payable under this Act on policies of insurance, or whereby any such duties shall be evaded, every person so offending shall for every such offence forfeit and pay the sum of 100*l*.: Provided always, that nothing herein contained shall extend to subject any member, officer, or servant of the London Assurance or Royal Exchange Assurance Corporations respectively to any of the penalties by this Act imposed, for or by reason of his making any agreement to insure by any label, slip, or memorandum in writing upon unstamped paper; provided that in every such case the day on which such agreement shall be made shall be truly expressed in words at length on such label, slip, or memorandum, and a policy of insurance according to such agreement shall be made out in due form on vellum, parchment, or paper duly stamped, and which shall be duly executed within three office days from the time of making such agreement as aforesaid.

v. That if any agreement, or minute or memorandum of an agreement, chargeable with duty under this Act, shall be ingrossed, written, or printed upon vellum, parchment, or paper not duly stamped according to law, and such agreement, minute, or memorandum shall be brought to the Commissioners of Stamps and Taxes, or to any of their officers appointed or authorized to receive the same, to be stamped, together with the duty payable thereon, within fourteen days after such agreement, minute, or memorandum shall have been made or entered into, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped without the payment of any penalty: Provided always, that if such agreement, minute, or memorandum shall not be brought to be stamped as aforesaid within the time hereinbefore prescribed and limited for that purpose there shall be payable by way of penalty on the stamping thereof the sum of 10*l*., over and above the duty chargeable thereon.

vi. That any letter or power of attorney, or other instrument made for the purpose of appointing or nominating a proxy, and chargeable with duty under this Act, shall authorize such proxy to vote upon any matter at one meeting of the proprietors or shareholders of or in any company or society, the time of holding whereof shall be specified in such instrument, or at any adjournment of such meeting; and no such letter or power of attorney or other instrument shall be further or otherwise available, anything in such instrument or in any Act of Parliament to the contrary notwithstanding.

vii. That it shall not be lawful for the Commissioners of Stamps and Taxes, or any of their officers, under any pretence whatever, to stamp or mark, after the signing thereof by any person, any vellum, parchment, or paper upon which any letter or power of attorney or other instrument appointing or nominating a proxy, chargeable with duty under this Act, shall be ingrossed, written, or printed; and if any person shall make or sign any such letter or power of attorney or other instrument as aforesaid which shall be ingrossed, written, or printed, or partly ingrossed or written and partly printed, upon vellum, parchment, or paper not duly stamped according to law, or if any person shall vote or attempt to vote or act as a proxy in pursuance or under the authority or pretended authority of any such letter or power of attorney or other instrument not duly stamped as aforesaid, every person so offending in any or either of the cases aforesaid shall forfeit and pay the sum of 50*l*.; and every vote made or given or other act done in pursuance or under the authority or pretended authority of any such letter or power of attorney or other instrument, not duly stamped as aforesaid, shall be absolutely null and void to all intents and purposes.

And after reciting that by 6 Geo. 4. c. 41, the stamp duty of 5*s*. was granted and is now payable for and upon every bond, given pursuant to the directions of any Act of Parliament, or by the direction of the Commissioners of Customs or Excise, or any of their officers, for or in respect of any of the duties of Customs or Excise, or for preventing frauds or evasions thereof, or for any other matter or thing relating thereto, except certain bonds in the said Act mentioned and exempted from the said duty: And that it is expedient to repeal the said duty granted by the last-recited Act, so far as relates to bonds given with relation to the drawback of any of the duties of Customs or Excise on the exportation of goods to foreign parts:—

It is Enacted,

viii. That from and after the passing of this Act the said stamp duty of 5*s*. granted by the said last-recited Act, so far as the same is charged or payable for or upon any bond to be given pursuant to the directions of any Act of Parliament, or by the direction of the Commissioners of Customs or Excise, or any of their officers, upon or with relation to the receiving or obtaining, or for entitling any person to receive or obtain, any drawback of any duty or duties or part of any duty or duties of Customs or Excise, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from Great Britain or Ireland respectively to any parts beyond the seas, or for or upon any bond to be given as aforesaid upon or with relation to the obtaining of any debenture or certificate for entitling any person to receive any such drawback as aforesaid, shall cease and determine, and the same is hereby repealed.

And after reciting that by 55 Geo. 3. c. 101, every public notary in Ireland is required, under a penalty in the said Act contained, once in every two months to deliver or cause to be delivered at the Stamp Office in Dublin a faithful account in writing, verified as in the said Act is mentioned, of bills of exchange and promissory notes which shall have been noted by him for non-acceptance or non-payment, and at the same time to pay the stamp duty which would then by law be payable for or in respect of every such bill or note, if protested in due form of law: And that it is expedient to repeal the said enactment:—

It is Enacted,

ix. That from and after the passing of this Act so much of the said last-recited Act as requires any such account as aforesaid to be delivered, or as imposes any penalty for the non-delivery thereof, or for the non-payment of any duty thereon, shall be and the same is hereby repealed.

x. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

The SCHEDULE to which this Act refers;

CONTAINING

THE DUTIES IMPOSED BY THIS ACT.

For and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandise, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage whatever, the following Duties, where the whole Sum insured shall not exceed 100*l.*, and where the whole Sum insured shall exceed 100*l.*, then for every 100*l.*, and also for any fractional Part of 100*l.*, whereof the same shall consist; (that is to say,)

Where the Premium or Consideration for such Insurance actually and bona fide paid, given, or contracted for	£.	s.	d.
shall not exceed the Rate of 10 <i>s.</i> per Centum, on the sum insured	0	0	3
And where the same shall exceed the rate of 10 <i>s.</i> per Centum, and shall not exceed the Rate of 20 <i>s.</i> per Centum, on the Sum insured	0	0	6
And where the same shall exceed the Rate of 20 <i>s.</i> per Centum, and shall not exceed the Rate of 30 <i>s.</i> per Centum, on the Sum insured	0	1	0
And where the same shall exceed the Rate of 30 <i>s.</i> per Centum, and shall not exceed the Rate of 40 <i>s.</i> per Centum, on the Sum insured	0	2	0
And where the same shall exceed the Rate of 40 <i>s.</i> per Centum, and shall not exceed the Rate of 50 <i>s.</i> per Centum, on the Sum insured	0	3	0
And where the same shall exceed the Rate of 50 <i>s.</i> per Centum on the Sum insured	0	4	0

But if the separate Interests of Two or more distinct Persons shall be insured by one Policy or Instrument, then the said respective Duties, as the Case may require, shall be charged thereon in respect of each and every fractional Part of 100*l.*, as well as in respect of every full Sum of 100*l.*, which shall be thereby insured upon any separate and distinct Interest.

And for and in respect of every Policy of Assurance or Insurance, or other Instrument whereby any such Insurance as aforesaid shall be made for any certain Term or Period of Time, the following Rates or Sums for every 100*l.*, and also for any fractional Part of 100*l.*, whereof the same shall consist; (that is to say,)

Where any such Insurance shall be made for any Term or Period not exceeding Six Calendar Months	0	2	6
Exceeding Six Calendar Months	0	4	0

And for and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance, commonly called a Mutual Insurance, shall be made, or whereby divers Persons shall insure or agree to insure one another, without any Premium or pecuniary Consideration, from any Loss, Damage, or Misfortune that may happen of or to any Ship or Vessel, or any Goods, Merchandise, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel which may lawfully be insured upon any voyage whatever, and not for any Period of Time,

For every Sum of 100 <i>l.</i> , and also for each and every fractional Part of 100 <i>l.</i> thereby insured to any Person or Persons	0	2	6
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And for and in respect of every Agreement, or Minute or Memorandum of an Agreement, now chargeable with the Duty of One Pound under the Head or Title of "Agreement" in the Schedule to the Act 55 Geo. 3. c. 184. annexed

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And for and in respect of every Letter or Power of Attorney or other Instrument made for the sole Purpose of appointing or nominating a Proxy to vote at any Meeting of the Proprietors or Shareholders of or in any Joint Stock Company or other Company or Society whose Stock or Funds are divided into Shares and transferable

0 2 6

CAP. XXII.

AN ACT to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver wares in *England*.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Recited Act 13 Geo. 3. c. 59. and s. 7. of 38 Geo. 3. c. 69. repealed, except as to offences already committed.
2. Forging or counterfeiting any die for marking gold or silver wares, or knowingly uttering the same;—marking wares with forged die, or uttering;—forging any mark of any die, or uttering;—transposing or removing marks, or uttering;—having

- in possession any such, knowing, &c.—cutting or severing marks with intent to affix upon other wares;—affixing any mark cut or severed from any other ware;—or fraudulently using genuine dies;—felony: punishment.
3. *Penalty on dealer selling, &c. or having in his possession any wares with forged marks.*
 4. *Dealers to be exempted in certain cases.—Not to exempt persons from the consequences of uttering with guilty knowledge.*
 5. *Where any alterations or additions are made, the ware so altered or added to shall be again assayed, and marked as new, and duty paid upon the whole.—Proviso for cases where an addition only is made to any ware.—Penalty upon any dealer altering or adding to any ware without bringing same to be re-assayed and re-marked, or if only of a certain weight, without procuring the assent of any company thereto;—and upon every dealer selling such ware without the same being marked;—and such ware to be seized.*
 6. *Dealers to be exempted in certain cases.*
 7. *If any officer of any of the halls shall mark any base metal, with any die, &c. such company to be liable to penalty of 20*l.*;—the officer to be dismissed;—and every such ware to be seized.*
 8. *Dealer to enter every place wherein he shall carry on his business or deposit wares, &c.—penalty, 5*l.**
 9. *Penalty for any dealer erasing, obliterating, or defacing any mark.*
 10. *Recovery and application of penalties.*
 11. *Upon information given upon oath against persons suspected of having in possession illegal wares, &c. Justices may grant search warrants. Nothing herein to authorise the search for or seizure of wares not required to be marked.*
 12. *False dies and wares seized, how to be disposed of.*
 13. *Limitation of actions.—Venue local.—Notice of action.—General issue.—Tender of amends.—Costs.*
 14. *Construction and interpretation of terms.—Base metal dealer.—Die.—Her Majesty.—Mark.—Ware.*
 15. *After 1st Oct. 1844 gold wares of a certain standard to be marked with a crown and the figures 22 instead of the lion passant.*
 16. *Extending the powers, penalties, and provisions concerning the marks formerly used to the marks directed to be made use of by this Act.*
 17. *Limitation of Act.*
 18. *Commencement of Act.*
 19. *Act may be altered this session.*

By this Act,

After reciting the passing of 13 Geo. 3. c. 59; and that by 38 Geo. 3. c. 69. it is enacted, “that from and after the said first day of October 1798 if any person shall forge, cast, or counterfeit, or cause or procure to be cast, forged, or counterfeited, the mark or stamp used or directed to be used in pursuance of this Act for the marking or stamping of gold plate by the company of goldsmiths in London or Edinburgh, or the Birmingham or Sheffield company, or by the wardens or assayer or assayers at York, Exeter, Bristol, Chester, Norwich, or Newcastle-upon-Tyne, or any or either of them, or shall cast, forge, or counterfeit, or shall cause or procure to be cast, forged, or counterfeited, any mark, stamp, or impression in imitation of or to resemble any mark, stamp, or impression made or to be made with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them, or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold, or any wares of silver, brass, or other metal gilt over and resembling plate of gold, with any mark or stamp which hath been or shall be forged or counterfeited at any time, either before, on, or after the said first day of October 1798, in imitation of or to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them, or shall transpose or remove, cause or procure to be transposed or removed, from one piece of wrought plate to another, or to any vessel of silver, brass, or other metal as aforesaid, any mark, stamp, or impression made or to be made by or with any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them, or shall sell, exchange, or expose to sale, or export out of this kingdom, any wrought plate of gold, or any vessel of silver, brass, or other metal as aforesaid, with any such forged or counterfeit mark, stamp, or impression thereon, or any mark, stamp, or impression which hath been or shall be transferred or removed from any other piece of plate, knowing such mark, stamp, or impression to be forged, counterfeited, or transposed or removed as aforesaid, or shall wilfully or knowingly have or be possessed of any mark or stamp which hath been or shall be forged or counterfeit in imitation of and to resemble any mark or stamp used or to be used as aforesaid by the said company of goldsmiths in London or Edinburgh, or by the said Birmingham and Sheffield companies, or by the said wardens or assayer or assayers, or any or either of them, every such person offending in any such or either of the cases aforesaid, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to such parts beyond the seas as His Majesty, with the advice of his Privy Council, shall direct, for the space of seven years:” And that it is expedient to simplify the said laws, and to alter the punishments thereby imposed, and to make further provision for preventing frauds and abuses in the marking of and dealing in gold and silver wares:—

It is Enacted,

1. That the said Act 13 Geo. 3. c. 59. and so much of the said Act 38 Geo. 3. c. 69. as is hereinbefore recited, shall be and the same are hereby repealed, so far as the same relate to that part of the United Kingdom called England, except as to offences committed before the day on which this Act shall come into operation, which shall be dealt with and punished as if this Act had not been passed; nevertheless no Act or part of an Act repealed by the said Act 13 Geo. 3. c. 59. shall be revived by the passing of this Act.

2. That every person who shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, any die or other instrument, or any part of any die or other instrument, provided or used or to be provided or used by the Company of goldsmiths in London, or by any of the several companies of goldsmiths in the cities of York, Exeter, Bristol, Chester,

or Norwich, or the town of Newcastle-upon-Tyne, or by the companies of guardians of the standard of wrought plate in the towns of Sheffield or Birmingham respectively, for the marking or stamping of any gold or silver wares; and every person who shall mark with any such forged or counterfeit die or other instrument, or with any part of such forged or counterfeit die or other instrument as aforesaid, any ware of gold or silver, or any ware of base metal, or shall utter any such ware of gold or silver, or any such ware of base metal, so marked as aforesaid, knowing the same to be so marked as aforesaid; and every person who shall forge or counterfeit, or by any means whatever produce an imitation of, or shall utter, knowing the same to be forged or counterfeit or an imitation, any mark or part of any mark of any die or other instrument provided or used or to be provided or used as aforesaid, upon any ware of gold or silver, or any ware of base metal; and every person who shall transpose or remove, or shall utter, knowing the same to be transposed or removed, any mark of any die or other instrument provided or used or to be provided or used as aforesaid, from any ware of gold or silver to any other ware of gold or silver, or to any ware of base metal; and every person who shall without lawful excuse (the proof whereof shall lie on the party accused) have in his possession any such forged or counterfeit die or other instrument as aforesaid, or any ware of gold or silver, or any ware of base metal, having thereupon the mark of any such forged or counterfeit die or other instrument as aforesaid, or having thereupon any such forged or counterfeit mark or imitation of a mark as aforesaid, or any mark which shall have been so transposed or removed as aforesaid, knowing the same respectively to have been forged, counterfeited, imitated, marked, transposed, or removed; and every person who shall cut or sever from any ware of gold or silver any mark or any part of any mark of any die or other instrument provided or used or to be provided or used as aforesaid, with intent that such mark or such part of a mark shall or may be placed upon or joined or affixed to any other ware of gold or silver, or to any ware of base metal; and every person who shall place upon or join or affix to any ware of gold or silver, or any ware of base metal, any mark of any die or other instrument provided or used or to be provided or used as aforesaid, which shall have been cut or severed from any ware of gold or silver; and every person who shall, with intent to defraud Her Majesty, or any of the said several companies of goldsmiths and guardians respectively, or any person whatever, use any genuine die or other instrument provided or used or to be provided or used as aforesaid, and every person counselling, aiding, or abetting any such offender, shall be guilty of felony, and shall, at the discretion of the Court, either be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or be imprisoned, with or without hard labour, for any term not exceeding three years.

III. That every dealer in gold or silver wares who shall sell or exchange, or expose or keep for sale, or shall export or import, or attempt to export or import, from or to England, or who shall have in his possession without lawful excuse (the proof whereof shall lie upon him) any ware of gold or silver, or any ware of base metal, having thereupon any mark of any forged or counterfeit die or other instrument as aforesaid, or any forged or counterfeit mark or imitation of a mark of any die or other instrument provided or used or to be provided or used by any of the several companies of goldsmiths and guardians aforesaid for marking gold or silver wares, or having thereupon any mark which shall have been transposed or removed thereto from any other ware of gold or silver, shall for every such ware so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to be exported or imported, or which shall so be in his possession as aforesaid, forfeit and pay the sum of 10*l.*, which may be sued for and recovered by any of the several companies of goldsmiths and guardians aforesaid in manner hereinafter provided.

IV. Provided and enacted, That every such dealer in gold or silver wares who shall have sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or had in his possession any such ware of gold or silver, or any such ware of base metal, having thereupon any mark of any such forged or counterfeited die or other instrument as aforesaid, or any such forged or counterfeit mark or imitation of a mark as aforesaid, or any mark which shall have been so transposed or removed thereto as aforesaid, and shall within twenty-one days next after notice thereof to him given by any of the several companies of goldsmiths or guardians as aforesaid, or left at his usual place of abode, or at any house, shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such person shall reside, or shall carry on or transact his said trade or business, the name and place of abode of the actual manufacturer of any such ware of gold or silver, or ware of base metal, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively, then such dealer in gold or silver wares shall be and he is hereby exempted and discharged from any penalty or forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or having in his possession, any such ware of gold or silver, or ware of base metal, as aforesaid anything hereinbefore contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend to exempt any person from the legal consequences of uttering or of having in his possession any such ware as aforesaid, knowing the same to be marked with a forged or counterfeit die or other instrument, or knowing the mark thereupon to be forged, counterfeited, imitated, transposed, or removed, if such knowledge shall be duly proved in any criminal prosecution or proceeding against such person for any such offence.

V. That if any ware of gold or silver which shall have been duly assayed and marked at any assay office of any of the several companies of goldsmiths or guardians aforesaid shall at any time after the passing of this Act be altered, either by any addition made thereto or otherwise, so that the character or denomination of such ware, or the use or purpose for which the same was originally made or designed, shall be changed, or if any such ware of gold or silver shall at any time after the passing of this Act have any addition made thereto (although its character, denomination, use, or purpose shall not be changed by reason of any such addition), the weight of which said addition shall bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound troy weight of such original ware, every such ware so altered or added to as aforesaid shall be again brought to the assay office of some one of the several companies of goldsmiths or guardians aforesaid, and shall be assayed and marked as a new ware, and as if no part thereof had been before assayed, and notwithstanding any former assay thereof, or the marks of any such former assay thereupon, and the duty shall be paid upon the whole weight of every such ware, and of every addition thereto (if any shall be made or intended to be made), without any allowance for the duty which may have been before paid upon any such ware, or any part thereof: Provided always, that if any ware of gold or silver shall have any such addition made thereto as last

aforesaid, and the whole weight of such addition made thereto shall not bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound troy weight of such original ware, and so that the character or denomination, use or purpose, of such ware, shall not be changed, it shall be lawful for the company of goldsmiths or guardians at any such assay office to allow the addition thereto only to be assayed and marked, and to receive and take the duty on the weight of such addition thereto only; provided that before any such addition shall be made thereto the said ware shall be brought to such office for the inspection of such company of goldsmiths or guardians aforesaid, and the nature and extent of the intended additions thereto shall be fully explained to such company, and such company shall signify their assent to the making of such addition thereto; and every dealer in gold or silver wares who shall by any means whatever alter or change the character or denomination of any ware of gold or silver which shall have been before assayed and marked by any of the several companies of goldsmiths or guardians aforesaid, so that the use or purpose for which the same was originally made or designed shall be changed, and every dealer in gold or silver wares who shall make or affix, or cause to be made or affixed, to any ware of gold or silver which shall have been before assayed and marked at any assay office of any of the several companies of goldsmiths or guardians aforesaid, any addition of gold or silver, or any addition of base metal, the weight of which said addition thereto shall bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound troy weight of such original ware, without bringing or sending such ware of gold or silver, so altered, changed, or added to as aforesaid, with every addition made or intended to be made thereto, to the assay office of some one of the several companies of goldsmiths or guardians aforesaid, to be assayed and marked as a new ware, and every dealer in gold or silver wares who shall make or affix to any ware of gold or silver which shall have been before assayed and marked as aforesaid any addition of gold or silver, or any addition of base metal, the whole weight of which said addition shall not bear a greater proportion to the original weight of such ware than four ounces weight of such addition to every pound troy weight of such original ware, without bringing or sending such last-mentioned gold or silver ware so added to as last aforesaid, with every addition intended to be made thereto, to the assay office of some one of the several companies of goldsmiths or guardians aforesaid, for the inspection of the said company, and fully explaining the nature and extent of the intended addition thereto to the said company, and obtaining and procuring the assent of the said company to the making of such addition before any such addition shall be made thereto; and every dealer in gold or silver wares who shall sell or exchange, or expose or keep for sale, or export or attempt to export from England, or shall have in his possession, any such ware of gold or silver which shall have been so altered, changed or added to as aforesaid, the same, or the addition thereto, not having been so assayed and marked as aforesaid, shall for every such ware forfeit and pay the sum of 10*l*., which may be sued for and recovered by any of the several companies of goldsmiths or guardians aforesaid respectively in the manner herein after provided; and every such ware of gold or silver, if found at any house, shop, or place where any such dealer in gold or silver wares shall carry on or transact his trade or business, shall and may be lawfully seized by any of the several companies of goldsmiths or guardians aforesaid, and by them be dealt with as herein after is directed.

VI. Provided and enacted, That every such dealer in gold or silver wares who shall have sold or exchanged, or exposed or kept for sale, or exported or attempted to export from England, or had in his possession, any such ware of gold or silver which shall have been so altered, changed, or added to as aforesaid, the same or the addition thereto not having been so assayed and marked as aforesaid, and shall within twenty-one days next after notice thereof to him given by any of the several companies of goldsmiths or guardians aforesaid, or left at his usual place of abode, or at any house, shop, or place where he shall carry on or transact his said trade or business, discover and make known to the company of goldsmiths or guardians in or nearest to the city, town, or place in which such person shall reside, or shall carry on or transact his said trade or business, the name and place of abode of the actual manufacturer of any such ware of gold or silver as last aforesaid, or of the person or persons from whom such dealer in gold or silver wares bought, had, or received the same respectively, then such dealer in gold or silver wares shall be and he is hereby exempted and discharged from any penalty or forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or attempted to export, or having in his possession, any such ware of gold or silver as last aforesaid, anything hereinbefore contained to the contrary thereof notwithstanding.

And for the further prevention of the abuses in the making and assaying of gold and silver wares:—

It is Enacted,

VII. That if any assayer or other officer of or person employed by the company of goldsmiths in London or any of the several companies of goldsmiths of the cities of York, Exeter, Bristol, Chester, or Norwich, or of the town of Newcastle-upon-Tyne, or either of the companies of guardians of the standard of wrought plate in the towns of Sheffield or Birmingham respectively, shall mark, or permit or suffer to be marked, any ware of base metal with any die or other instrument used or to be used by any such company for marking gold or silver wares to denote that the same is of the standard allowed and required by law, every such company of goldsmiths or guardians aforesaid to which any such assayer or officer shall belong, or by whom such person shall be employed, shall for every such offence forfeit and pay to Her Majesty the sum of 20*l*., which may be sued for and recovered in such and the like manner as penalties recoverable under any Act in force relating to stamp duties are to be sued for and recovered by law; and every such assayer or other officer or person employed as aforesaid, upon complaint or information made thereof by any officer of stamp duties to any Justice of the Peace having jurisdiction where any such offence shall be committed, upon the oath of one or more credible person or persons (which oath such Justice is hereby empowered and required to administer), and upon being convicted thereof by or before such Justice, shall be by him forthwith dismissed and discharged from his said office and employment of or in the company of goldsmiths or guardians aforesaid to or in which he shall have so belonged or been so employed as aforesaid, and shall be incapable for ever afterwards of holding any office or employment either in or under the same or any other of the companies of goldsmiths or guardians aforesaid; and every ware of base metal so marked as last aforesaid, when found in the possession of any dealer, or of any officer of the companies of goldsmiths or guardians aforesaid, shall and may be lawfully seized by any of the said companies of goldsmiths or guardians aforesaid, other than the company to which the offending officer belongs, or by whom he is employed, and shall be dealt with as hereinafter is provided.

VIII. That every dealer in gold or silver wares who shall enter his private mark under the laws now in force with any of the companies of goldsmiths or guardians aforesaid, shall at the time he so enters his private mark at the hall or office of any such company give to the officer there appointed to take the entry of his said private mark the particulars of every house, shop, and other place in which he shall or may carry on or transact any part of his said trade or business, and in which he shall or may deposit or keep any gold or silver wares, as well as the place of his abode, in order that an entry may be made at such hall or office of every such house, shop, and other place as aforesaid; and every such dealer in gold or silver wares shall from time to time enter in like manner at such hall or office of any of the companies of goldsmiths or guardians aforesaid where his private mark has already been or may hereafter be entered the particulars of every house, shop, and other place in which he shall or may from time to time transact or carry on any part of his said trade or business, or in which he shall or may from time to time keep or deposit any gold or silver wares, in order that an entry may from time to time be made at such hall or office of every such house, shop, and other place as aforesaid; and every such dealer in gold or silver wares who shall fail, neglect, or refuse to give any such particulars as aforesaid, and to cause such entry of the same to be made as aforesaid, shall for every such offence forfeit and pay the sum of 5*l.*, which may be sued for and recovered in the manner hereinafter provided by the company of goldsmiths or guardians aforesaid in respect whereof such default shall have been made.

IX. That every dealer in gold or silver wares who shall fraudulently erase, obliterate, or deface, or fraudulently cause to be erased, obliterated, or defaced, from any ware of gold or silver, any mark of any die, punch, or other instrument used or to be used by any of the several companies of goldsmiths or guardians aforesaid for the marking or stamping of gold or silver wares, or any private mark of any dealer in gold or silver wares, shall for every such offence forfeit and pay the sum of 5*l.*, which may be sued for and recovered by any of the several companies of goldsmiths or guardians aforesaid respectively in the manner hereinafter provided.

X. That the several pecuniary forfeitures and penalties imposed by this Act shall and may be sued for and recovered, with full costs of suit, in any of Her Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information in the name of any master, warden, assayer, clerk, or other officer of any of the said several companies respectively entitled to sue for or recover the same, or where the penalty shall be forfeited to Her Majesty in the name of the Attorney General, or by information in the name of any such officer, or where the penalty shall be forfeited to Her Majesty in the name of an officer of stamp duties, before a Justice of the Peace, in like manner as any penalty may be recovered before any such Justice by any officer of stamp duties; and every such penalty which shall be sued for and recovered in the name of any officer of the said several companies respectively shall go and be paid wholly to the company to which such officer shall belong, to be applied by such company in defraying the expenses of their assay office, and of detecting and prosecuting offenders against this Act.

XI. That whenever any of the said several companies of goldsmiths or guardians aforesaid shall have reasonable or probable cause to suspect that any dealer in gold and silver wares hath concealed or deposited in any house, shop or place, or hath possession of any wares of gold or silver which ought to be marked with any of the marks provided or used or to be provided or used by any of the said companies of goldsmiths or guardians respectively, for marking or stamping gold or silver wares, and not so marked, or hath concealed or deposited as aforesaid, or hath possession of any such forged or counterfeited die or other instrument, or any ware of gold or silver, or ware of base metal, having thereupon any mark of any such forged or counterfeited die or other instrument as aforesaid, or having thereupon any forged or counterfeited mark of any die or other instrument provided or used or to be provided or used as aforesaid, or any mark which shall have been so transposed or removed thereto as aforesaid, it shall be lawful for any Justice of the Peace having jurisdiction where any or either of such offences shall be suspected to be committed, and such Justice is hereby required, upon information or complaint made of any such reasonable or probable cause of suspicion, by or on behalf of any of the several companies of goldsmiths or guardians aforesaid, and upon the oath of one or more credible person or persons (which oath such Justice is hereby empowered and required to administer), to grant a warrant under his hand directed to any one or more of the officers of any of the several companies of goldsmiths or guardians aforesaid, together with any constable or other peace officer named in such warrant, authorizing and empowering such officer of the said companies respectively, and such constable or other peace officer as aforesaid, with necessary and proper assistance, to enter in the day time into any such house, shop, or place as aforesaid, or any other house, shop, or place of any such suspected person, and to search the same, and to seize and take away every such forged or counterfeited die or other instrument, and every such ware as aforesaid, which shall there be found; and all constables and other peace officers shall and they are hereby required to be aiding and assisting in the execution of every such warrant as aforesaid; and every such forged and counterfeited die or other instrument, and every such ware as aforesaid, so there found, seized, and taken, shall and may be dealt with as hereinafter is provided: Provided always, and it is hereby declared, that nothing in this Act contained shall authorize the search for or seizure of any wares which by the laws now in force are not required to be marked or stamped by any of the companies of goldsmiths or guardians aforesaid, or any of the wares following; namely, watch rings, watch keys, watch hooks, earrings, necklaces, eyeglasses, spectacles of gold, shirt pins or studs, bracelets, head ornaments, waist buckles.

XII. That every die, punch, or other instrument which shall or may be lawfully seized or taken under this Act by the said company of goldsmiths in London, or by any of the several companies of goldsmiths or guardians aforesaid, or by any officer of any of the said companies respectively, shall be broken, detained, and destroyed by such company; and every such ware so seized or taken as aforesaid, if it shall be shewn to the satisfaction of the Court or Justice or Justices before whom proceedings shall be had in respect of such ware that the same has been lawfully seized and taken under the provisions of this Act, shall be broken and defaced; and in case it shall be shewn to the satisfaction of such Court or Justice or Justices that the dealer from whom the same shall have been so seized or taken had such ware in his possession, knowing the same to be marked with a forged or counterfeit die or other instrument, or knowing the mark thereupon to be forged, counterfeit, imitated, transferred, or removed, or knowing such ware to have been altered, changed, or added to as aforesaid (the same or the addition thereto not having been assayed or marked as required by this Act), or knowing such ware to be of base metal, then and in every such case, and likewise in every case in which such ware has been seized or taken from any officer of any company of

goldsmiths or guardians aforesaid as being of base metal, and fraudulently marked, every such ware so broken and defaced shall be melted and the metal thereof shall be sold and disposed of, and the produce thereof shall be entered in the book of account of receipts and payments relating to the assay office belonging to the said company by whom or by whose officer such ware shall have been so seized or taken, and shall be applied towards defraying the general expenses of the assay office of such company, and in the prosecution of offenders under this Act; and, save and except as aforesaid, every such ware so seized and taken, or broken and defaced, shall be given back to the dealer from whom it shall have been so seized and taken.

XIII. That all actions and prosecutions which shall be brought or commenced against any person for anything done in pursuance or under the authority of this Act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced, by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for cost of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

And for the better interpretation of this Act, and to avoid the frequent use of divers terms and expressions,—

It is Enacted,

XIV. That the following terms and expressions shall have the several interpretations hereinafter respectively set forth; (that is to say,) the term "base metal" shall mean any metal whatsoever other than gold or silver of the respective standards required by law; and the term "dealer in gold or silver wares" shall mean and include every goldsmith and silversmith, and every worker, maker, and manufacturer of and trader and dealer in gold or silver wares; and the term "die" shall mean and include any die, plate, tool, or instrument whatever, by means whereof any mark can or shall be made upon any metal whatsoever; and the term "Her Majesty" shall mean and include Her Majesty, her heirs and successors; and the term "mark" shall mean and include any mark, stamp, or impression of and made with any die or other instrument, or produced by any other means whatsoever upon any metal whatsoever; and the term "ware" shall mean and include any plate, vessel, article, or manufacture of any metal whatsoever; and whenever in this Act, with reference to any person or matter, or thing, or to any persons or matters or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons or matters or things as well as one person or matter or thing, and one person, matter, or thing as well as several persons or matters or things, females as well as males, bodies politic or corporate as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

And after reciting that all gold wares of the standard or fineness of twenty-two carats of fine gold in every pound troy assayed by any of the said companies of goldsmiths and guardians are by certain statutes now in force required to be marked with the same mark as that with which all silver wares of the standard or fineness of eleven ounces and two pennyweights, assayed as aforesaid, are required to be marked, (that is to say,) with the figure of the lion passant, in order to denote the standards thereof respectively, whereby great facilities to frauds are afforded, and extensive frauds have been committed by dealers in gold and silver wares; and it is expedient that all gold wares of the standard or fineness aforesaid, and so assayed as aforesaid, should be marked by a different mark, to denote the standard thereof, from the mark so used for the said silver wares as aforesaid:—

It is Enacted,

XV. That from and after the 1st of October 1844 there shall be struck or marked by the said company of goldsmiths in London, and by the several companies of goldsmiths in the cities of York, Exeter, Bristol, Chester, and Norwich, and the town of Newcastle-upon-Tyne, and the company of guardians of the standard of wrought plate in the town of Birmingham, upon all gold wares of the standard or fineness of twenty-two carats of fine gold in every pound troy, brought to them respectively to be assayed, the mark of a crown and the figures 22, instead of the mark of the lion passant.

XVI. That the rules, directions, powers, privileges, pains, penalties, forfeitures, causes, matters, and things enacted or provided in and by any of the laws and statutes of this realm now in force in relation to the mark of the lion passant on gold wares of the standard or fineness of twenty-two carats in the pound troy, and assayed as aforesaid, and also in relation to the die used for making the said mark of the lion passant, shall extend to, and be continued, applied, practised, and put in execution in all cases relating to the said mark of a crown and the figures 22 hereby directed to be used for the gold wares aforesaid, and also relating to the said die to be used for making the said mark, as fully and effectually, to all intents and purposes, as if the same rules, directions, powers, privileges, pains, penalties, forfeitures, causes, matters, and things were again particularly repeated and enacted in and by the present Act, anything in the statutes now in force or any of them contained to the contrary notwithstanding.

XVII. That this Act shall not extend to Scotland or Ireland.

XVIII. That this Act shall come into operation on the 1st of October 1844.

XIX. That this Act may be amended or repealed by any Act to be passed during this present session of Parliament.

CAP. XXIII.—IRELAND.

AN ACT to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*.

(4th July 1844.)

By this Act, it is Enacted,

1. That 2 & 3 Vict. c. 77. shall be and continue in full force and effect for the further period of five years from the 1st of September in this present year.
11. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XXIV.

AN ACT for abolishing the Offences of forestalling, regrating, and engrossing, and for repealing certain Statutes passed in restraint of Trade.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Offences of badgering, engrossing, forestalling, and regrating abolished.*
2. *Repeal of certain Acts and parts of Acts.*
3. *Acts repealed as to Great Britain by 12 Geo. 3. c. 71, to be repealed as to Great Britain and Ireland.*
4. *Nothing in this Act to apply to spreading false rumours.*
5. *Act may be amended this session.*

By this Act,

After reciting that divers statutes have been from time to time made in the Parliaments of England, Scotland, Great Britain, and Ireland respectively prohibiting certain dealings in wares, victuals, merchandise, and various commodities by the names of badgering, forestalling, regrating, and engrossing, and subjecting to divers punishments, penalties, and forfeitures persons so dealing: and that it is expedient that such statutes, as well as certain other statutes made in hindrance and in restraint of trade, be repealed: And that an Act of the Parliament of Great Britain was passed in the 12 Geo. 3. c. 71, intituled 'An Act for repealing several Laws therein mentioned against Badgers, Engrossers, Forestallers, and Regraters, and for indemnifying Persons against Prosecutions for Offences committed against the said Acts,' whereby, after reciting that it had been found by experience that the restraint laid by several statutes upon the dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a free trade in the said commodities, have a tendency to discourage the growth and to enhance the price of the same, which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster, sundry Acts therein mentioned, and all the Acts made for the better enforcement of the same, were repealed, as being detrimental to the supply of the labouring and manufacturing poor of this kingdom: And that, notwithstanding the making of the first-recited Act, persons are still liable to be prosecuted for badgering, engrossing, forestalling, and regrating, as being offences at common law, and also forbidden by divers statutes made before the earliest of the statutes thereby repealed: For remedy thereof, and for the extension of the same remedy to Scotland and to Ireland,—

It is Enacted,

1. That after the passing of this Act the several offences of badgering, engrossing, forestalling, and regrating be utterly taken away and abolished, and that no information, indictment, suit, or prosecution shall lie either at common law or by virtue of any statute, or be commenced or prosecuted against any person for or by reason of any of the said offences or supposed offences.
11. That the several Acts and parts of Acts made in the Parliaments of England and Scotland, Great Britain and Ireland hereinafter mentioned, shall be repealed, but not so as to revive any Act repealed by any of the Acts hereby repealed: (that is to say,)

The following Acts and parts of Acts of the Parliament of England; to wit,

So much of an Act passed in the 51 Hen. 3. Judicium Pilloriæ, intituled 'A Statute of the Pillory and Tumbrel, and of the Assize of Bread and Ale,' as is now in force:

So much of an Act passed in the 12 Edw. 2. c. 6, intituled 'No Officer of a City or Borough shall sell Wine or Victual during his Office,' as is now in force:

So much of an Act passed in the reign of Hen. 3, Edw. 1, or Edw. 2. c. 7, intituled 'The Punishment of a Butcher selling unwholesome Flesh,' as provides punishment for a butcher or cook that buyeth flesh of Jews and selleth the same unto Christians :

The whole of an Act passed in one of the three last-mentioned reigns, cap. 10, intituled 'No Foretaller shall be suffered to dwell in any Town.'

The whole of an Act passed in the 23 Edw. 3. c. 6, intituled 'Victuals shall be sold at reasonable Prices.'

The whole of an Act passed in the 25 Edw. 3, stat. 4. c. 3, intituled 'The Penalty of him that doth forestall Wares, Merchandize, or Victual.'

So much of an Act passed in the 27 Edw. 3. stat. 1. c. 3. stat. 2. c. 11, intituled 'A Statute of Provisors,' as provides that commissions shall be granted to inquire of offenders contrary to the statute of 23 Edw. 3. c. 6, and as enacts, 'The Penalty for forestalling of Merchandizes before they come to the Staple.'

The whole of two Acts passed in the 31 Edw. 3. stat. 2, stat. 3, respectively intituled 'The Statute of Herrings' and 'Another Statute of Salt Fish.'

The whole of an Act passed in the 35 Edw. 3, intituled 'An Ordinance of Herring.'

So much of an Act passed in the 37 Edw. 3. c. 5, intituled 'Merchants shall not ingross Merchandizes to inhance the Prices of them, nor use but one Sort of Merchandize,' as is now in force :

The whole of an Act passed in the 37 Edw. 3. c. 15, intituled 'Clothiers shall make Cloths sufficient for the foresaid Prices, so that this Statute for default of such Cloths be in nowise infringed.'

The whole of an Act passed in the 2 Rich. 2. stat. 1. c. 2, intituled 'A Confirmation of the Statute of 25 Edw. 3. st. 4. c. 3. against Foretallers.'

So much of an Act passed in the 13 Rich. 2. stat. 1. c. 8, intituled 'The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of the Peace, and they shall assess the Gains of Victuallers; who shall make Home Bread, and the Weight and Price thereof,' as is now in force :

So much of an Act passed in the 4 Hen. 4. c. 25, intituled 'An Hostler shall not make Horse Bread; how much he may take for Oats,' as is now in force :

So much of an Act passed in the 25 Hen. 8. c. 2, intituled 'Proclamations for the Prices of Victuals, viz. the pricing of them and proclaiming the Prices,' as is now in force :

So much of an Act passed in the 28 Hen. 8. c. 14, intituled 'For Prices of Wines,' as is now in force, not relating to the gauging and measuring of wine, oils, honey, or any other liquors or things :

So much of two Acts passed in the 3 & 4 Edw. 6. c. 19, respectively intituled 'An Act for buying and selling of rother Beasts and Cattle,' and 3 & 4 Edw. 6. c. 21, 'An Act for the buying and selling of Butter and Cheese,' as is now in force :

The whole of an Act passed in the 5 & 6 Edw. 6. c. 15, intituled 'An Act against Regraters and Ingrossers of tanned Leather,' except the prohibition of currying or dressing tanned leather within the city of London and the suburbs thereof as provided by the last-mentioned Act :

Also the following Acts of the Parliament of Scotland; to wit,

An Act passed in 1503, c. 38, intituled 'Of Malt Makaris in Burrow Touns.'

An Act passed in 1535, c. 26, intituled 'Off Forstallaris.'

An Act passed in 1540, c. 16, intituled 'For eschewing of Derth of Wittalis, Flesche, and Pysche.'

Also an Act, c. 18, intituled 'For stanching of Derth and Prices of Wyne, Salt, and Tymmer.'

Also an Act, c. 32, intituled 'Anentis Forstallaris.'

An Act passed in 1555, c. 35, intituled 'Anent the Disposition of Wyne, Salt, and Tymmer brocht into the Realme.'

An Act passed in 1579, c. 26, intituled 'For Punishment of Regrataris and Forstallaris.'

An Act passed in 1592, c. 70, intituled 'Aganis Foirstallaris and Regraitaris.'

An Act passed in 1661, c. 280, intituled 'An Act for erecting of Manufactories.'

Also the following Acts and parts of Acts of the Parliament of Ireland; to wit,

The whole of an Act passed in 4 Edw. 4. c. 2, intituled 'An Act against Engrossers and Regraters of Corn.'

The whole of an Act passed in 33 Hen. 8. c. 2, intituled 'An Act for Grey Merchants, as revived and perpetuated by a subsequent Act passed in 11 Eliz. c. 4, intituled 'An Act for reviving the Statute against Grey Merchants, the Statute for Servants Wages, and the Statute of Jeofails.'

So much of an Act passed in 2 Ann. c. 15, intituled 'An Act to prohibit Butchers from being Grazers, and to redress several Abuses in buying and selling of Cattle,' which Act is perpetuated by another Act made in 9 Ann. c. 7, as prohibits any butcher from being a grazier, or keeping in his possession, or in trust for him, above twenty acres of land, or from selling any cattle to any other butcher in Dublin, or within five miles thereof or from keeping at hay or feed oxen or other cattle for above ten days, or from exposing for sale any oxen or other cattle within twenty miles of the place where bought; and which prohibits any person from selling or exposing for sale any cattle or sheep on the same day when bought :

So much of an Act passed in 10 Geo. 1. c. 10. s. 1, intituled 'An Act for regulating Abuses committed in buying and selling Cattle and Sheep in the several Markets of this Kingdom,' as prohibits cattle from being bought within six miles of any market :

The whole of an Act passed in 15 Geo. 2. c. 9, intituled 'An Act to explain and amend a Clause in an Act passed in the Second Year of the Reign of Queen Anne, intituled "An Act to prohibit Butchers from being Grazers, and to redress several Abuses in buying and selling of Cattle, and in slaughtering, and packing of Beef, Tallow, and Hides :"'

The whole of an Act passed in 31 Geo. 2. c. 8, intituled 'An Act to prohibit Salesmen from being Grazers, and to redress several Abuses in buying and selling Cattle or Meat :'

So much of an Act passed in 13 & 14 Geo. 3. c. 22. s. 73, intituled 'An Act for paving Streets within the City and County of the City of Dublin,' as authorizes a market jury to seize provisions or victuals in the hands of any forestaller, regrater, or engrosser :

So much of an Act passed in 27 Geo. 3. c. 46. s. 3, intituled 'An Act for establishing Market Juries in Cities,' as authorizes and empowers certain market juries to seize provisions or victuals found in the hands of forestallers, regraters, and engrossers.

III. That the several Acts and parts of Acts which were repealed, as to Great Britain, by the first-recited Act of 12 Geo. 3. c. 71. shall be taken, after the passing of this Act, to be repealed as to the united kingdom of Great Britain and Ireland.

IV. Provided and enacted, That nothing in this Act contained shall be construed to apply to the offence of knowingly and fraudulently spreading or conspiring to spread any false rumour, with intent to enhance or decry the price of any goods or merchandize, or to the offence of preventing or endeavouring to prevent by force or threats any goods, wares, or merchandize being brought to any fair or market, but that every such offence may be inquired of, tried, and punished as if this Act had not been made.

V. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXV.

AN ACT to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *After passing of this Act the duties and regulations for securing the duty on vinegar to cease save as to any arrear of duty or penalty.—Commissioners of Treasury may remit certain of the duties on vinegar, &c. before the passing of this Act.*
2. *Vinegar makers to take out licences as heretofore.*
3. *Vinegar makers to make entry of their premises and utensils with the Excise.*
4. *Vinegar makers having stills to use them only subject to such rules as the Commissioners of Excise direct.*
5. *From 5th July 1844 the present duties and drawbacks on flint glass to cease ; other duties and drawbacks granted and allowed in lieu thereof.*
6. *New duties and drawbacks to be under the management of the Commissioners of Excise.*
7. *For making the charge on flint glass an account to be made out at the end of each six weeks of the whole quantity of glass charged with duty, and of the whole weight of glass weighed within such period ; and in lieu of 2d. charged by 1 & 2 Vict. c. 44, ½d. per pound additional to be charged on all excess above 40 per cent.*
8. *The regulations of 1 & 2 Vict. c. 44, that no drawback be allowed on glass not worth 5d. per pound, exclusive of the duty, repealed as to flint glass.*
9. *The enactment of 1 & 2 Vict. c. 44, that shades or cylinders of uncoloured flint glass shall not be opened or flattened out except as thereby allowed, repealed.*
10. *Flint glass maker not to open or flatten out any shade or cylinder, nor to cast or press any flint glass into panes or plates of the dimensions of six inches by four.*
11. *Nothing herein to affect the provision 1 & 2 Vict. c. 44. s. 92.*
12. *Makers of flint glass enabled to make and store glass not to be sold or consumed before the time appointed for the duty now payable to cease.*
13. *Glass may be taken out of store before 6th of July, notice being given, on payment of full duty.*
14. *Makers of flint glass not securing or fraudulently removing glass so intended to be stored liable to full duty, together with penalties.*
15. *Act may be altered this session.*

By this Act,

After reciting that by 6 Geo. 4. c. 37, certain duties of Excise were granted and made payable upon vinegar or acetous acid, or liquors prepared or preparing for vinegar or acetous acid, brewed or made in any part of the United Kingdom of Great Britain and Ireland for sale : And by 1 & 2 Vict. c. 44, certain duties of Excise were granted on the fluxed materials or metal, or other preparations made for the purpose of making flint glass, and certain drawbacks were allowed on flint glass for and in respect of which such last-mentioned duties had been duly charged, and which should be exported to foreign parts : And

that it is expedient that the said duties upon vinegar or acetous acid or liquors prepared or preparing for vinegar or acetous acid, should cease and determine, and that the said duties and drawbacks on flint glass should be repealed, and other duties and drawbacks in respect thereof should be granted and allowed in lieu thereof:—

It is Enacted,

I. That from and after the passing of this Act all and singular the duties of Excise now payable on vinegar or acetous acid, or liquors prepared or preparing for vinegar or acetous acid, brewed or made in any part of Great Britain or Ireland, shall cease and determine, and be no longer levied or collected, paid or payable; and the several Acts, enactments, clauses, provisions, and regulations for securing, levying, or collecting the duties on vinegar or acetous acid, or liquors prepared or preparing for vinegar or acetous acid, shall not, from and after the passing of this Act, be enforced or executed, save and except for the purpose of recovering any duties incurred or charged before the passing of this Act, or any arrears thereof, or any fine, penalty, or forfeiture for the breach of any of the said clauses, enactments, provisions, or regulations committed previous to the passing of this Act, but all such duties, and arrears, fines, penalties, and forfeitures, shall and may be recovered, levied, enforced, and applied in the same manner and by the same powers and authorities as if this Act had not been passed: Provided always, that it shall and may be lawful for the Commissioners of Her Majesty's Treasury to cancel and remit so much of the aforesaid duties which shall have been charged on any maker of vinegar or acetous acid, not being pyroligneous acid, for sale between the 5th of July 1843 and the day of the passing of this Act, as shall not exceed the sum to which such duties would amount if the same had been charged and made payable on the stock of such vinegar or acetous acid in the hands of the maker thereof, as taken by the proper officer of Excise, on the 1st of June 1844.

II. Provided and enacted, That nothing herein contained shall extend or be deemed or construed to extend in any manner to interfere with the licences now required by law to be taken out by makers of vinegar or acetous acid for sale; and every person who shall make, prepare, extract, distil, rectify, purify, or sell any liquors prepared or capable of being used or applied to the purposes of vinegar or acetous acid made for sale, not being a dealer in, retailer, or seller of such vinegar or acetous acid only, shall be deemed and taken to be a vinegar maker, and shall take out the licence now required by law in such respect, under the same rules, regulations, provisions, penalties, and forfeitures as such licences are now granted and held under.

III. Provided and enacted, That every such maker of vinegar or acetous acid for sale as aforesaid shall make entry by delivering a true and particular account in writing of every house, building, room, place, still, vessel, and utensil intended to be used by him for the making or keeping of any vinegar or acetous acid for sale, in such form and manner as directed by an Act, 7 & 8 Geo. 4. c. 53, intituled, 'An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland,' and by another Act, 4 & 5 Will. 4. c. 51, intituled, 'An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise,' and by another Act, 4 & 5 Vict. c. 20, intituled, 'An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise,' and shall in such respect be subject to all and singular the rules, regulations, penalties, and forfeitures by the said last-mentioned Acts imposed on persons required to make entry, and not making entry, of any house, building, or place, vessel or utensil, required by any Act or Acts relating to the revenue of Excise.

IV. Provided and enacted, That every such maker of vinegar or acetous acid for sale as aforesaid who shall have, possess, or use at or upon his or her entered place or places for making vinegar, any still for distilling, rectifying, or purifying vinegar or acetous acid, or any liquor or materials prepared or preparing for making vinegar or acetous acid, shall have and use such still only under and subject to such rules and regulations as the Commissioners of Excise shall from time to time direct and order in such respect, on pain of forfeiting 100*l*.

V. That from and after the 5th of July 1844 the duties and drawbacks now payable on flint glass shall cease and determine, and be no longer paid or payable, save and except as to any arrear of such duties which shall have been charged or become due, or any penalty or forfeiture which shall have been incurred by the commission of any offence in respect thereof under the laws of Excise, or the payment of any drawback which shall become payable in respect of any flint glass exported before the said 5th of July 1844; and that in lieu of the said duties there shall be raised, levied, collected, and paid throughout the United Kingdom the rates and duties of Excise hereinafter mentioned; (that is to say,) for every 100 lb. weight avoirdupois, and so in proportion for any greater or less quantity, of the fluxed materials or metal or other preparations whatever, by what name soever the same may be called or known, which shall be made for the purpose of making flint glass, the sum of 2*s*. 6*d*. and 5 per cent. additional thereon; and that in lieu of the said drawbacks there shall be allowed and paid the following drawback; (that is to say,) for every 100 lb. weight avoirdupois, and so in proportion for any greater or less quantity, of flint glass, for or in respect of which, or of the materials, metal, or other preparation from which the same shall have been made, all Excise duties payable thereon shall have been duly charged, and which shall be exported to foreign parts, the sum of 6*s*. 3*d*., and 5 per cent. additional thereon.

VI. That the said duties and drawbacks on flint glass by this Act granted and allowed shall be under the management of the Commissioners of Excise, and shall be charged, raised, levied, sued for, collected, and applied, allowed and paid, and accounted for in the same manner, as other duties and drawbacks under the management of the said Commissioners under the provisions of this Act, and the general or special provisions, clauses, enactments, regulations, pains, penalties, and forfeitures contained in any Act or Acts relating to the collection and management of the Revenue of Excise.

And after reciting that by 1 & 2 Vict. c. 44, it is enacted, with reference to the account or return directed by that Act to be made out as a charge of duty on every maker of glass, "that for making out the said account or return in respect to flint glass an account shall at the end of every round or period of six weeks be taken and made out by the officer of Excise of the whole quantity of flint glass for or in respect of which any maker of flint glass shall have been charged with duty upon the fluxed materials or metal or other preparations from which such flint glass as aforesaid shall have been made, after deduction of the gauged weight of all fluxed materials, metal, or other preparations taken account of by the officer, and laded out of the pot,

according to the provisions of this Act, and of the whole weight of manufactured flint glass and glass wares weighed by such maker of flint glass within such round or period of six weeks as aforesaid; and if upon such account being taken and made out as aforesaid the weight of such manufactured flint glass and glass wares as aforesaid shall exceed the quantity of such flint glass as aforesaid with which such maker of flint glass shall have been so charged with duty after such deduction as aforesaid, by any quantity greater than the quantity of 40 per centum of or upon the whole quantity of such flint glass as last aforesaid, such maker of flint glass shall be charged with and pay the duty of 2*d.* per pound upon each and every pound weight of such excess, over and above any duty which such maker of flint glass shall have paid or may have been charged with upon the fluxed materials or metal or other preparations from which such glass as aforesaid shall have been made." And that by the reduction and alteration of the duties on flint glass by this Act it is necessary to amend the above-mentioned clause:—

It is Enacted,

VII. That from and after the said 5th of July 1844 every maker of flint glass shall be charged with and pay the duty of $\frac{1}{4}$ and 5 per centum thereon, instead of 2*d.* per pound and 5 per centum thereon imposed by an Act 3 & 4 Vict. c. 17, intitled, 'An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes,' upon each and every pound weight of such excess, as in the said Act, 1 & 2 Vict. c. 44, is mentioned.

And after reciting that by 1 & 2 Vict. c. 44, it is further enacted, "that no drawback shall be allowed or payable on chandelier or ornamental drops of less weight than one ounce each, nor on any glass buttons or glass beads, nor on any flint glass goods or wares which shall not be good, fair, and merchantable articles, perfectly manufactured of metal, fully and properly fluxed or fused and finished, by all rough, waste, and useless parts being removed therefrom, and of such quality as to be worth at least 5*d.* per pound, exclusive of the duty, if made for or if the same had been made into articles for home consumption, and which shall not have been previously in use;"

It is Enacted,

VIII. That from and after the said 5th of July 1844 so much of the said recited Act as requires, for the purpose of obtaining a drawback, that any flint glass goods or wares shall be of such quality as to be worth at least 5*d.* per pound, exclusive of the duty, shall be repealed.

And after reciting that by 1 & 2 Vict. c. 44, it is further enacted, "that it shall not be lawful for any maker of flint glass, or any other person, to open or flatten out any shade or cylinder made of white or uncoloured flint glass, except as hereinafter provided, on pain of forfeiting all flint glass so opened or flattened out, and 100*l.*: Provided always, that makers of flint glass may open out and flatten cylinders of white or uncoloured glass into plates, such plates, when opened and flattened out, not being of less thickness than two tenth parts of an inch nor of greater dimensions than fourteen inches square;"—

It is Enacted,

IX. That from and after the said 5th of July 1844 so much of the said Act as is above recited shall be repealed.

X. That from and after the said 5th of July 1844 it shall not be lawful for any maker of flint glass, or any other person, to open or flatten out any shade or cylinder, whether made of coloured or uncoloured flint glass, or to cast or press or otherwise manufacture any flint glass into panes or plates which shall be of the dimensions of six inches in length by four inches in breadth, or which shall exceed such dimensions either in length or in breadth, on pain of forfeiting all such flint glass, and the penalty of 100*l.*, for every such offence: Provided always, that nothing herein contained shall be deemed or construed to prevent any maker of flint glass or other person from manufacturing flint glass into lenses, or into prisms for deck lights, or illuminators for lanterns, or finger plates for doors, as such articles are commonly now so called and manufactured by makers of flint glass, provided the same are not manufactured by the opening or flattening of any shade or cylinder of such glass.

XI. Provided and enacted, That nothing herein contained shall be deemed or construed to affect a certain provision contained in the said Act, 1 & 2 Vict. c. 44. s. 92, whereby it is enacted that it shall be lawful for the Lords Commissioners of Her Majesty's Treasury from time to time to dispense with or alter the whole or any part of the said regulations, or to remit the whole or any part of the duty, and to prescribe such other conditions and securities as they may judge necessary or expedient, for the improvement or better preparation and selection of glass fitted for the purposes of optical instruments or for the purposes of science.

And after reciting that it is expedient that provision should be made for allowing the makers of flint glass to make and store glass not to be sold or sent into consumption until after the said 5th of July 1844, when the duty now payable on flint glass is to cease and determine, and the new duty hereby imposed is to commence and take effect:—

It is Enacted,

XII. That every maker of flint glass who shall intend to make any flint glass wares or commodities, not to be sold or sent into consumption before the 6th of July 1844, shall give three hours previous notice of such his intention in writing to the proper officer of Excise, before storing any such glass, and in such notice shall specify some separate and secure room or store, to be approved of by the Commissioners of Excise or their officers, for the keeping therein of all such flint glass wares and commodities as are intended to be so stored; and such maker of flint glass may from time to time, when giving notice for charging the pots in his glass house, also give like notice in writing to the proper officer of Excise that all the flint glass to be made in that journey is flint glass not to be sold or sent into consumption until after the 5th of July 1844, and that he is desirous of storing the same, and all such glass shall be made under the regulations and shall be charged with the duties now in force; and as often as any notice for weighing such glass shall be given the officer of Excise, having received such notice, shall attend and weigh and take an account of all such glass in the weighing room, and such account having been taken all such glass shall be forthwith removed into the re-weighing room, there to remain for the time required by law, and shall then be deposited and stored in the separate room or store approved of by the Commissioners of Excise or their officers, under the locks and keys of the officers of Excise, and otherwise secured in such manner as the Commissioners of Excise shall direct:

and all such flint glass shall be kept so stored and secured until on or after the 6th of July 1844, on which day the proper officers of Excise shall weigh and take an account of all the said glass which shall have been so stored and secured as aforesaid; and if upon such account the whole quantity of glass shall be found in the stock of the maker thereof stored and secured as aforesaid, and the officers of Excise shall be satisfied that it is the same glass which was so made, and that no part thereof has been sent into consumption, or any addition made thereto, or any alteration therein, the Commissioners of Excise are hereby authorized and empowered to allow to the respective makers of such glass the difference in the charge of duty now payable on flint glass and the duty hereby imposed, and to deliver the said glass to the makers thereof on the charge and payment of the duty by this Act made payable.

XIII. Provided and enacted, That in case any maker of flint glass shall be desirous of taking out any glass so stored for consumption before the said 6th of July, it shall be lawful for such maker to give three hours previous notice in writing to the officer of Excise, specifying in such notice the hour when such glass is to be taken out, and the quantity of such glass so required to be taken out, such quantity not being less than one hundred weight; and the officer of Excise having received such notice shall attend, and take an account of and weigh the quantity of glass specified in such notice, and shall deliver the same to the maker thereof; and on all such glass so delivered out before the said 6th of July the full duty of Excise of 2d. per pound and 5 per centum thereon, now payable, shall be paid: Provided also, that not more than one such notice shall be given on the same day, and that for such a time only, between the hours of six of the clock in the morning and six of the clock in the evening, as that such weighing and delivery may be completed between the hours mentioned.

XIV. That if any flint glass which shall be made under the regulations aforesaid as not to be sent into consumption until after the said 5th of July 1844 shall not at any time previous thereto be so stored and secured in such separate and secure room or store approved of by the Commissioners of Excise or their officers, or if any such maker of flint glass shall open or procure to be opened any such room or store, or injure any of the locks, keys, or fastenings thereof, or remove or cause to be removed any flint glass from or out of the same, or shall send out or deliver any such flint glass so made to be stored, except under such notice as is hereinbefore provided, or if on the said 6th of July 1844, or at any time previous thereto, the officers of Excise shall not find all such flint glass so stored and secured and unaltered, except as aforesaid, or if any such maker of flint glass shall use or practise any art or device to deceive any officer of Excise in taking an account of such flint glass, or of any part of his stock, or to remove any part of such flint glass, or to evade any part of the duty on flint glass with which previous to the said 6th of July 1844 he might or would be chargeable, or to obtain any greater allowance under the regulations aforesaid than he shall be entitled to, then and in every such case the flint glass maker so offending shall forfeit all claim to any such allowance as aforesaid, and shall pay all the full duties now charged on such glass, together with any penalty or penalties or forfeitures which he may thereby incur under any of the laws of Excise.

XV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XXVI.

AN ACT for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade.

(4th July 1844.)

ABSTRACT OF THE ENACTMENT.

Her Majesty empowered to direct, by Orders in Council, that all treaties, &c. concluded with foreign powers for the suppression of the slave trade shall be carried into immediate execution.

By this Act,

After reciting the passing of 7 Will. 4. & 1 Vict. c. 62: And that the said Act was revived and continued by an Act passed in the last session of Parliament: And that Her Majesty is at the present time engaged in negotiation with certain foreign powers for the purpose of concluding with them such treaties or conventions or additional stipulations: And that it may happen that during the time when Parliament is not sitting some such treaties or conventions or additional stipulations may be concluded, or, having previously been concluded, may at that time be ratified, or, having previously been ratified, the ratifications thereof may at that time be exchanged, or, having been exchanged at some spot in foreign parts, the ratification of such treaty by the foreign state may at that time arrive in this country, or such treaties, conventions, or stipulations, or ratifications thereof, may arrive in this country within so short a period before the prorogation of Parliament as may not allow the passing of any Act or Acts of Parliament before the close of the session authorizing Her Majesty to carry such treaties or conventions or additional stipulations into immediate execution: And that in such case delay would take place in carrying into execution the stipulations of such treaties or conventions or additional stipulations, and much crime might be perpetrated during the interval that might elapse between the ratification of such treaties or conventions or stipulations and the time when Parliament might pass Acts authorizing the Crown to carry the same into execution: And that it is expedient that Her Majesty should from and after the passing of this Act be empowered to carry such treaties into immediate execution:—

It is Enacted,

That it shall be lawful for Her Majesty, at all times hereafter, by any Order or Orders in Council, to direct that such treaties or conventions, and all stipulations contained therein, and also all additional stipulations to any former treaties or conventions which Her Majesty may have concluded or may hereafter conclude with any foreign power or state for the more effectual suppression of the slave trade, shall be carried into immediate execution, and for that purpose to declare and direct, in such Orders of Council, that all searches, examinations, detentions, seizures, condemnations, and sales of ships and vessels detained, seized, or captured for any violations of the provision of any such treaties, conventions, or stipulations, shall be legal, and also by any such Order or Orders in Council to establish tribunals for the trying and deciding all questions which may arise under such treaties, conventions, or stipulations, and for the condemnation of any such vessels as aforesaid, and for punishing the violation of any such treaties, conventions, or stipulations, and for adjudging and enforcing the payment of any penalties for any such violation, or to authorize any tribunal which may have been heretofore established to act in relation to the enforcing such treaties, conventions, or stipulations aforesaid, and also to authorize the payment of such bounties as are allowed in any Act or Acts of Parliament now in force or which may hereafter be passed in relation to any such bounties for the suppression of the slave trade to the persons detaining, seizing, or capturing any such vessels; and it shall be lawful for Her Majesty in any such Order or Orders in Council to declare that all clauses and provisions, powers and authorities contained in and all penalties and forfeitures imposed by any Act or Acts of Parliament now in force, or which may be passed in this session of Parliament, for the carrying into execution or giving effect to any treaty, convention, or stipulation heretofore or which may hereafter be made with any foreign power or state, or in any other Act or Acts of Parliament in force for the suppression of the slave trade, as shall be specified or referred to in such Order or Orders in Council, shall be applied and put in force for the purpose of carrying into immediate execution any such treaty, convention, or additional stipulation; and upon the issuing of any such Order or Orders in Council all the directions, powers, and authorities contained therein, and all clauses, provisions, powers, authorities, penalties, and forfeitures referred to in any such order or orders, and contained in any such Act or Acts of Parliament, shall have the same and like force and effect, and all acts, matters, and things done under the authority thereof, and all acts and judgments of any tribunals under the same, shall be valid and effectual, as fully, to all intents and purposes, as if the same had been enacted in or done under the authority of an Act of Parliament; and each order of Her Majesty in Council so issued under authority of this Act shall continue in full force and effect until six months after the commencement of that session of Parliament which shall ensue next after the date of the said Order or Orders in Council respectively.

CAP. XXVII.

AN ACT to explain and amend an Act of the last Session of Parliament, intituled *An Act for extending to Ireland the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King William the Fourth, intituled 'An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto;'* and to explain and amend the said Act.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act not to affect any action, &c. commenced before the 1st of Jan. 1845 relating to any right to presentation.*
2. *Where actions within prescribed limits are abated by deaths of parties new actions may be commenced.*

By this Act,

After reciting the passing of 6 & 7 Vict. c. 54, and that by the said recited Act it was enacted, that from and after the 1st of January 1844 the several clauses and enactments in the said Act, 3 & 4 Will. 4, contained, and thereinbefore recited, relating to any right to present to or bestow any church, vicarage, or other ecclesiastical benefice (except as therein is excepted) should extend and apply to Ireland, and that as fully and effectually as if the same clauses and enactments were there repeated, substituting for the date of the 1st of December 1833, therein mentioned, the said date of the 1st of January 1844: And that it was by the said recited Act provided and enacted, that the said recited Act should not be prejudicial to or available for any plaintiff or defendant in any other action or suit then already commenced, or on or before the 1st of January 1845 to be commenced, relating to any right to present to or bestow any church, vicarage, or other ecclesiastical benefice in Ireland: And that doubts have arisen as to whether under the said hereinbefore recited provision the time therein adverted to for limiting any action or suit relating to any right to present to or bestow any church, vicarage, or other ecclesiastical benefice in Ireland was to expire on the 1st of January 1844, or on the 1st of January 1845: And that it is necessary to remove such doubts, and to explain and amend the said hereinbefore recited provisions of the said recited Act, and to further amend the said recited Act:—

It is Declared and Enacted,

1. That the said recited Act shall not be prejudicial to or available for any plaintiff or defendant in any action or suit already commenced, or on or before the said 1st of January 1845 to be commenced, relating to any right to present to or bestow any church, vicarage, or other ecclesiastical benefice in Ireland.

11. That if and when any action or suit relating to any right to present to or bestow any church, vicarage, or other ecclesiastical benefice in Ireland already commenced, or which shall hereafter be commenced within the limitations prescribed by the said recited Act or this Act, shall become abated by the death or marriage of any party thereto, it shall and may be lawful to and for the plaintiff or plaintiffs therein, or the heir-at-law or the personal representative of the plaintiff or plaintiffs therein, according to the alleged estate or title of such plaintiff or plaintiffs in respect of the subject-matter of said actions or suits, or for the person or persons claiming to be entitled in remainder or reversion expectant upon the estate of such plaintiff or plaintiffs to the right to present to or bestow the church, vicarage, or other ecclesiastical benefice in Ireland for which such action or suit shall have been so commenced, to bring a new action to enforce his, her, or their right to present to or bestow such church, vicarage, or other ecclesiastical benefice in Ireland, provided such new actions shall be commenced within twelve calendar months from the abatement of such preceding action or suit, anything in the said recited Acts or either of them, or in this Act contained notwithstanding.

CAP. XXVIII.

AN ACT for granting to Her Majesty, until the Fifth Day of July One thousand eight hundred and forty-five, certain Duties on Sugar imported into the United Kingdom for the Service of the Year One thousand eight hundred and forty-four.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Duties imposed by 6 & 7 Will. 4. c. 26, and 3 & 4 Vict. c. 17, continued till 10th November 1844.—Duties from 10th November 1844 to 5th July 1845.
2. Collection of duties.
3. Power to Her Majesty by Order in Council to declare the sugars of other countries to be admissible as not being the produce of slave labour.
4. Certificates and declarations required.
5. Certificate required in respect of sugar from China, &c.
6. Certificate required in respect of such sugar if imported from British possessions abroad.
7. Power to Her Majesty by Order in Council to declare that the sugars of countries with which Her Majesty has treaties of reciprocity as to duties to be admissible at 34s. per cwt., and 5l. per cent. additional.
8. If such treaty be conditional, Order in Council to state fulfilment of condition.
9. Bounties on certain descriptions of refined sugar.
10. Her Majesty may allow the importation of sugar the growth of certain British possessions at the lower rate of duty.
11. Order in Council may be revoked.
12. Order in Council to be published.
13. Copies of Order in Council to be laid before Parliament.
14. Separate accounts to be kept in the Exchequer of the duties arising in Great Britain.—Duties arising in Ireland to be paid into the Exchequer there.
15. The Treasury may direct Exchequer bills to be made out not exceeding 3,000,000l.
16. Powers of Acts extended to this Act.
17. Exchequer bills to bear an interest.
18. Bank of England may advance money on the credit of this Act, notwithstanding 5 & 6 Will. & M. c. 20.
19. Bills to be delivered to the Bank of England as security for advances.
20. Exchequer bills to be charged on the duties granted by this Act.
21. Money due to be paid out of next aids.
22. Surplus monies to be carried to Consolidated Fund.
23. Treasurer to allow necessary charges for making forth new Exchequer bills.
24. Monies issued to be replaced out of first supplies.
25. Act may be amended this session.

By this ACT, the Commons grant and it is enacted,

1. That the duties imposed on sugar and molasses by an Act, 6 & 7 Will. 4. c. 26, intituled, 'An Act for granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six,' and by an Act, 3 & 4 Vict. c. 17, intituled, 'An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes,' shall be further continued until the 10th of November 1844; and that from and after that date until the 5th of July 1845, in lieu of the duties now payable and hereby continued thereon, there shall be charged the duties of Customs following; that is to say,—

Sugar; <i>vide</i> <i>dict.</i>	£.	s.	d.
Brown or Muscovado or Clayed Sugar, not being refined, the cwt.	3	3	0
The Growth of any British Possession in America, and imported from thence, the cwt.	1	4	0
The Growth of any British Possession within the Limits of the East India Company's Charter, into which the Importation of Foreign Sugar is prohibited, and imported from thence, the cwt.	1	4	0
The Growth of any other British Possession within those Limits, and imported from thence, the cwt.	1	12	0

And on sugar which shall be certified as hereinafter is mentioned to be the growth of China, Java, or Manilla, or of any other foreign country, the sugar of which Her Majesty in Council shall have declared in manner hereinafter mentioned to be admissible as not being the produce of slave labour, and which shall be imported into the United Kingdom either from the country of its growth or from some British possession, having first been imported into such British possession from the country of its growth, the following duties; namely,

Brown, Muscovado, or clayed, the cwt.	1	14	0
Molasses, the cwt.	1	3	9
The Produce of and imported from any British Possession, the cwt.	0	9	0
Sugar, refined, the cwt.	8	8	0
Candy, Brown, the cwt.	5	12	0
White, the cwt.	8	8	0

And so in proportion for any greater or less quantity than a hundred weight, together with an additional duty of 5*l*. per cent. on such aforesaid rates of duty.

II. That the duties hereby continued shall be collected, paid, and accounted for in such and the like manner as if the said duties had been continued to the 5th of July 1845, and that the said duty of 1*l*. 14*s*. per hundred weight, with 5*l*. per cent. additional as aforesaid, shall be collected, paid, and accounted for in such and the like manner as the said duties hereby continued.

III. That from and after the 10th of November 1844 it shall and may be lawful for Her Majesty and she is hereby empowered, from time to time, by any Order or Orders in Council, to declare, with respect to any foreign country or countries, that it having appeared to Her Majesty, upon sufficient evidence, that the sugars of such country or countries are not the produce of slave labour, such sugars shall (from and after a day to be named in such Order) be deemed and taken not to be the produce of slave labour; and from and after the day so to be named in such Order the brown, muscovado, or clayed sugar (not being refined) of the country or countries mentioned in such Order shall be admissible to entry for home consumption at the said duty of 1*l*. 14*s*. per hundred weight, with 5*l*. per cent. additional as aforesaid.

IV. That no sugar shall be admissible to entry for home consumption at the said duty of 1*l*. 14*s*. per hundred weight, with 5*l*. per cent. additional as aforesaid, unless the master of the ship importing the same shall have delivered to the collector or comptroller at the port of importation such certificate or certificates as hereinafter mentioned, nor unless such master shall also make and subscribe a declaration before such collector or comptroller that such certificate or certificates was or were received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

V. That in case such sugar shall be imported from China, Java, or Manilla, or from any other of the countries named in such Order in Council as hereinbefore is mentioned, the certificate so to be given to the collector or comptroller at the port of importation shall be under the hand and seal of the British consul, vice-consul, consular agent, or other officer appointed in that behalf by Her Majesty, at the place where such sugar was taken on board, and shall certify that a declaration in writing had been made and signed before such consul, vice-consul, consular agent, or other officer, by the shipper of such sugar, that the same was really and *bond fide* the growth of the country in which the same was so taken on board, and shall also certify that such consul, vice-consul, consular agent, or other officer had examined the contents of such declaration, and believed the same to be true.

VI. That in case such sugar shall be imported from any British possession abroad, the master of the vessel importing the same shall deliver to the collector or comptroller at the port of importation, firstly, a certificate under the hand and seal of the principal officer of Customs at the place where the same was taken on board, certifying that a declaration in writing had been made and signed before such principal officer by the shipper of such sugar that the same was really and *bond fide* the growth of China, Java, or Manilla, or of some other of the countries named in such Order in Council as hereinbefore is mentioned, and had been imported thence into such British possession abroad as aforesaid, and also certifying that such principal officer of Customs had examined the contents of such declaration, and believed the same to be true; secondly, a certificate under the hand and seal of the British consul, vice-consul, consular agent, or other officer appointed in that behalf by Her Majesty (if any such there be), at the place whence such sugar shall have been imported into such British possession abroad, certifying that a declaration in writing had been made and signed before such consul, vice-consul, consular agent, or other officer, by the shipper of such sugar from such place, that the same was really and *bond fide* the produce of the country from whence the same shall have been so imported into such British possession abroad, and also certifying that such consul, vice-consul, consular agent, or other officer had examined the contents of such declaration, and believed the same to be true: Provided always, that in case such sugar shall be imported into the United Kingdom from any British possession abroad, being part of the territories of the East India Company, the certificate and declaration hereby required to be given and received by the principal officer of Customs may be respectively given and received by any officer appointed for that purpose by the respective Governments of such territories.

VII. That with regard to sugar the growth of any foreign country, between which country and Her Majesty there is now subsisting any treaty or convention binding Her Majesty to grant to such country, either conditionally or unconditionally, the privileges of the most favoured nation, or to permit, either conditionally or unconditionally, the produce of such country, to be imported into the United Kingdom at the same duties as are imposed upon the like produce of any other country, it shall be lawful for Her Majesty and she is hereby empowered from time to time, by any Order or Orders in Council, to declare that from and after a day to be named in such Order, not earlier than the 10th of November 1844, brown, muscovado, or clayed sugars (not being refined) the growth of such country, in case such treaty shall after the said 10th of November continue to subsist, shall, if imported from such country, or from any British possession abroad, having been imported into such British possession

from such country, be admitted to entry for consumption in the United Kingdom at the aforesaid rate of duty of 1*l.* 1*s.* per hundred weight, and 5*l.* per cent. additional as aforesaid; and from and after the day so to be named in such Order the sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject nevertheless to the production of the like certificates, and the making of the like declaration, as are hereinbefore required with respect to sugars the growth of China, Java, or Manilla.

VIII. That in case the privileges granted by any treaty to any foreign country in respect of which any Order in Council shall be issued under the enactment lastly hereinbefore contained shall have been granted conditionally, such Order shall expressly declare that such foreign country hath duly fulfilled the said conditions, and is entitled to the said privilege.

IX. That the respective bounties now payable on sugar by an Act, 3 & 4 Will. 4. c. 58, intituled, 'An Act to grant certain Bounties and Allowances of Customs,' and also by an Act, 1 & 2 Vict. c. 33, intituled, 'An Act for granting to Her Majesty, until the Fifth Day of July One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight,' shall continue to be allowed and paid so long as the duties on the importation of sugar imposed by the said first-recited Act shall remain in force, or be further continued by any Act hereafter to be passed.

X. Provided and enacted, That if at any time satisfactory proof shall have been laid before Her Majesty in Council that the importation of foreign sugar into any British possession within the limits of the East India Company's charter is prohibited, it shall be lawful for Her Majesty, by and with the advice of her Privy Council, or by Her Majesty's Order in Council, to be published from time to time in the *London Gazette*, to allow the importation of sugar the growth of any such British possession at the lower rate of duty in the said first-recited Act specified, in like manner, and under the same restrictions and conditions, as sugar the growth of the Presidency of Fort William in Bengal may be imported, subject to a lower rate of duty under the provisions of the said first-recited Act.

XI. That it shall be lawful for Her Majesty, by an Order in Council, from time to time to revoke or alter any Order in Council previously made under the authority of this Act.

XII. That every Order in Council to be made under the authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*.

XIII. That a copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

XIV. That a distinct and separate account shall be kept in the office of the Comptroller General of the receipt and issue of Her Majesty's Exchequer at Westminster, of all the money that shall be paid to the account of Her Majesty's Exchequer at the Bank of England from so much of the said duties hereby granted on sugar as shall arise and be payable in Great Britain, and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland to issue and apply the same from time to time to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament; and so much of the said duties on sugar as shall arise and be payable in Ireland shall be paid into the receipt of the Exchequer in Ireland, and shall be carried to the Congested Fund of the United Kingdom of Great Britain and Ireland.

XV. That it shall be lawful for the said Commissioners of Her Majesty's Treasury at any time or times to cause any number of Exchequer bills to be made out at the receipt of the Exchequer at Westminster for any sum or sums of money not exceeding in the whole, including any sum or sums of money issued towards the aids or supplies in pursuance of this Act, the sum of Three Millions, in like manner as is prescribed in an Act, 48 Geo. 3. c. 1, intituled, 'An Act for regulating the issuing and paying off of Exchequer Bills,' and in another Act, 4 & 5 Will. 4. c. 15, intituled, 'An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster,' and in another Act, 5 & 6 Vict. c. 66, intituled, 'An Act for further regulating the Preparation and Issue of Exchequer Bills.'

XVI. That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited Acts, 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66, shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully and effectually to all intents and purposes as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this Act.

XVII. That the Exchequer bills to be made out in pursuance of this Act shall bear an interest not exceeding the rate of 4*l.* per centum per annum upon or in respect of the whole of the monies respectively contained therein.

XVIII. Declared and enacted, That it shall be lawful for the Governor and Company of the Bank of England to advance or lend to Her Majesty, by placing to the account of Her Majesty's Exchequer at the Bank of England, upon the credit of the Exchequer bills authorized by this Act, any sum or sums of money not exceeding in the whole the sum of Three Millions, anything in an Act, 5 & 6 W. & M. c. 20, intituled, 'An Act for granting to their Majesties, several Rates and Duties upon Tonnage of Ships and Vessels; and upon Beer, Ale, and other Liquors; and for securing certain Remissions and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France,' or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

XIX. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause such bills as shall be prepared by virtue of this Act to be delivered from time to time to the Governor and Company of the Bank of England, in such proportions as the public service may require, as security for the advance or advances which may be made to Her Majesty by the said Governor and Company of the Bank of England under the authority of this Act.

xx. That the Exchequer bills to be made forth by virtue of this Act, together with the interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the duties granted by this Act; and it shall be lawful for the said Commissioners of Her Majesty's Treasury from time to time to direct to be issued to the Paymasters of Exchequer bills, by way of imprest and upon account, such sums of money, and at such periods, as the said Commissioners shall think necessary, for or towards paying off and discharging the Exchequer bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the interest to become due on the said bills or any of them.

xxi. That the monies remaining unsatisfied or not discharged, with the interest due or to grow due thereon, shall be paid and satisfied out of the next aid or aids to be granted in Parliament after the 5th of July 1845.

xxii. That the surplus of the monies arising from the duties granted and imposed by this Act, after paying off and satisfying all the Exchequer bills issued by virtue of this Act, together with the interest that may become due thereon, shall, as a surplus of any such monies respectively, be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

xxiii. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay and allow, or cause to be paid and allowed, out of the monies to arise of or from the said duties hereby granted, or of or from the said Consolidated Fund, from time to time, the necessary charges of making forth the Exchequer bills hereby authorized to be made forth, and such other charges as shall be necessarily incident to or for the execution of this Act, or any part thereof, in relation to the said bills, anything herein contained to the contrary notwithstanding.

xxiv. Provided and enacted, That whatever monies shall be issued out of the said Consolidated Fund shall from time to time be replaced by and out of the first supplies to be thereafter granted by Parliament, anything herein contained to the contrary notwithstanding,

xxv. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XXIX.

AN ACT to extend an Act of the Ninth Year of King George the Fourth, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Punishments and forfeitures imposed by the recited Act on persons by night destroying game or rabbits in any open or inclosed land to apply to persons by night destroying game or rabbits on any public road, &c.*
2. *Act may be amended this session.*

By this Act,

After reciting the passing of 9 Geo. 4. c. 69, whereby it is enacted, that if any person shall, after the passing of the said Act, by night, unlawfully take or destroy any game or rabbits in any land, whether opened or inclosed, such offender should, upon conviction thereof before two Justices of the Peace, be liable to be punished, and to find security for good behaviour, as in the said Act specified; and it was further thereby enacted, that if any person should be found upon any land committing any such offence as is hereinbefore mentioned such person might be seized and apprehended, and committed to custody, and in case of any assault or violence should be punished as in the said Act is set forth: And that the provisions of the said Act have of late years been evaded and defeated, by the destruction, by armed persons at night, of game or rabbits, not upon open or inclosed lands, as described in the said Act, but upon public roads and highways, and other roads and paths leading through such lands, and also at the gates, outlets, and openings between such lands, and roads, highways, and paths, so that not only has the destruction of game or rabbits not been prevented, but the risk of murder and other grievous offences contemplated by the said Act has been increased, and great danger and alarm occasioned to persons using such roads, highways, and paths; and it is expedient that the remedies provided by the said Act against such offences as hereinbefore mentioned should be extended and applied to the like offences committed upon such roads, highways, and paths:—

It is Enacted,

1. That from and after the passing of this Act all the pains, punishments, and forfeitures imposed by the said Act upon persons by night unlawfully taking or destroying any game or rabbits in any land, open or inclosed, as therein set forth, shall be applicable to and imposed upon any person by night unlawfully taking or destroying any game or rabbits on any public road, highway, or path, or the sides thereof, or at the openings, outlets, or gates from any such land into any such public road, highway, or path, in the like manner as upon any such land, open or inclosed; and it shall be lawful for the owner or occupier of any land adjoining either side of that part of such road, highway, or path where the offender shall be, and the gamekeeper or servant of such owner or occupier, and any person assisting such gamekeeper or servant, and for all the persons authorized by the said Act to apprehend any offender against the provisions thereof, to seize and apprehend any person offending against the said Act or this Act; and the said Act, and all the powers, provisions, authorities, and jurisdictions therein or thereby contained or given, shall be as applicable for carrying this Act into execution as if the same had been herein specially set forth.

II. That this Act may be amended or repealed by any Act to be passed during this session of Parliament.

CAP. XXX.

AN ACT to alter and amend an Act of the Fifty-third Year of King *George the Third*, for the Appointment of a stipendiary Magistrate to act within the Townships of *Manchester* and *Salford*.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Appointment of a stipendiary magistrate.*
2. *Acts authorized to be done by the stipendiary magistrate appointed under first-recited Act may be done by the magistrates appointed under this Act.*
3. *Repeal of certain provisions of first-recited Act.*
4. *Expenses of this Act.*
5. *Public Act.*

By this Act,

After reciting the passing of 53 Geo. 3. c. 72: And that by the said Act it was provided that the Justice to be appointed under the provisions thereof should daily (Sundays excepted) attend at the New Bailey Court House in Salford, and that the said township of Manchester should contribute seven eighth parts of the salary payable to such Justice, which salary was by the said Act fixed at the sum of 1,000*l.* per annum: And that since the passing of the said Act Her Majesty has been pleased to grant a charter of incorporation to the said township of Manchester, and the adjoining townships of Chorlton-upon-Medlock, Hulme, Ardwick, Cheetham, and the extra-parochial district of Beswick, under and by virtue of the powers and provisions contained in an Act, 5 & 6 Will. 4. c. 76, intituled, 'An Act to amend the Laws relating to Corporations in England and Wales,' and has by such charter conferred upon the said incorporated borough of Manchester all the powers and provisions of the said Act: And that since the said incorporation a separate commission of the peace has been granted to and for the said borough, and a borough court is now held therein, the daily business whereof is fully sufficient to require the services of a stipendiary magistrate appointed to act within and for the said borough: And that the council of the said borough have declared that it is requisite that a salaried police magistrate should be appointed for the said borough, and under and by virtue of the powers given to them in that behalf in and by the said last-mentioned Act have made a bye-law fixing the amount of the salary to be paid to such magistrate out of the borough fund of the said borough at 1,000*l.* per annum: And that it is in and by the said Act declared that it shall be lawful for Her Majesty, if she shall think fit, to appoint a barrister of not less than five years standing to be during Her Majesty's pleasure the police magistrate of the said borough: And that it is expedient that the township of Manchester should be exempted from liability to contribute towards the payment of the salary of the magistrate appointed under and by virtue of the said first hereinbefore recited Act, and that a police magistrate should, under and in pursuance of the provisions in that behalf contained in the said Act, 5 & 6 Will. 4. c. 76, be appointed to act in and for the said borough:—

It is Enacted,

I. That the magistrate appointed under the said recited Act, 53 Geo. 3. c. 72, who shall be in office at the time of the passing of this Act shall be the first stipendiary magistrate of the borough of Manchester, and shall be considered to have been duly appointed in accordance with the provisions of the said recited Act of the 5 & 6 Will. 4. c. 76, and shall have the like authority, and be entitled to the same remuneration, and be subject to the same duties and responsibilities, as though he had been appointed under and by virtue of the said lastly mentioned Act.

II. That whenever by any Act now in force relating to the said borough of Manchester or any part thereof any Act is specifically authorized or directed to be done within the said borough by the stipendiary magistrate appointed under the said recited Act, 53 Geo. 3. c. 72, the same may be done by the stipendiary magistrate for the time being of the said borough, who shall have the same powers and authority in relation thereto as are by any of the said Acts now in force given to or vested in the stipendiary magistrate appointed under the said firstly hereinbefore recited Act.

III. That from and after the passing of this Act all the powers and provisions of the said recited Act, 53 Geo. 3. c. 72, so far as they authorize, direct, or require the payment by the township of Manchester of seven eighth parts or any other part of the salary of 1,000*l.* per annum payable to the police magistrate thereunder appointed, or which authorize the making or levying of any rate within the said township for the purpose of raising such salary or any part thereof, and also any provisions which direct, authorize, or require the payment to the said township of Manchester, or to any person or persons on behalf of such township, of any part or portion of the recognizances taken and estreated in the said county palatine of Lancaster, shall be repealed.

IV. That the expenses incident to the soliciting, obtaining, and passing this Act shall be paid out of the borough fund of the said borough.

V. That this Act shall be a public Act, and shall be judicially taken notice of as such.

CAP. XXXI.

AN ACT for the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*.

(4th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Borough of *Manchester* to be a place for warehousing goods for home consumption, subject to the provisions and limitations hereinafter contained.
2. Act not to require Commissioners of Customs to provide warehouses for deposit of tobacco in *Manchester*.
3. Provisions of recited Act to apply to warehouses in which goods are deposited under this Act.
4. Account of expenses incurred by the Customs under this Act to be sent to the council of the borough.
5. Commissioners of Customs may distrain if expenses of collection, &c. not paid within certain times.
6. Treasury may suspend warehousing of goods unless expenses paid.
7. Council empowered to charge on each package.
8. Power to Council to levy a warehouse rate.
9. Rates where warehouses are let to several tenants.
10. Council to appoint officers.
11. Council empowered to include in the borough rate the expenses of carrying this Act into execution.
12. Power to Council to purchase property.—Conveyance.
13. Parties under disability to sell and convey.
14. Consideration to be in a gross sum.
15. Acceptance of compensation for price of lands.
16. Amount of compensation to be ascertained by valuation in case of parties under disability.
17. Purchase of lands on chief rents.
18. Payment of such rents to be charged on the borough fund.
19. Forms of conveyances.
20. Costs of conveyances.
21. Purchase-money payable to parties under disability amounting to 200*l.* to be deposited in the Bank of England.—Application of monies deposited.
22. Order of application.
23. Sums from 20*l.* to 200*l.* to be deposited or vested in trustees.
24. Sums not exceeding 20*l.* to be paid to parties.
25. Court of Chancery may direct investment or payment of money in respect of leases for lives, years, &c. or reversions.
26. Party in possession deemed to be the owner.
27. Costs in cases of money deposited.
28. Council not to sell, &c. without the approbation of the Treasury.
29. Power to borrow money on rates and warehouses.—Mortgage.
30. Mortgages may be either concurrent or with priority, as agreed on.
31. Application of monies raised or received under Act.
32. Application of monies borrowed or produced by sale of lands.
33. Council to make bye laws.
34. Bye laws not to take effect until submitted to Treasury and published.
35. Extending provisions of Municipal Corporations Acts to this Act in certain respects.
36. Interpretation of Act.
37. Public Act.
38. Act may be amended, &c. this session.

By this Act,

After reciting that by 3 & 4 Will. 4. c. 57, regulations are made for the warehousing of foreign goods, without payment of duty at the ports of the United Kingdom: And that it is expedient to permit such goods to be removed from such ports to be warehoused within or near to the borough of *Manchester* for home consumption only:—

It is Enacted,

1. That from and after the passing of this Act the said borough of *Manchester* shall be a warehousing borough or place for goods for home consumption only, for the purposes of this Act, subject to the provisions and limitations hereinafter contained; and that it shall be lawful for the Commissioners of Her Majesty's Customs, by their order, from time to time to appoint the places or premises within or near the said borough, or within the distances from the Town Hall in *Manchester* hereinafter mentioned, which shall be the warehouses and places for depositing goods removed under this Act, and also to make all such rules, regulations, and conditions, and to require such securities respecting such warehouses and places, and the goods lodged therein, as they are empowered by the said recited Act to make and require in respect of warehouses and goods at ports, and the owners or occupiers of such warehouses or places within or near the said borough, or within the distance from the Town Hall in *Manchester* hereinafter mentioned; and the goods lodged therein, and the owners of such goods, shall be subject to the same conditions, penalties, forfeitures, and liabilities as the like parties or goods are or may be subject to in ports under

and by virtue of the said recited Act, or of any Acts made or to be made relating to the Customs: Provided always, nevertheless, that all warehouses or other places to be appointed as aforesaid for the deposit of goods under or by virtue of this Act shall be situated within two thousand yards from the Town Hall at Manchester, or within such distances therefrom as the Lords Commissioners of the Treasury or the Commissioners of Her Majesty's Customs may approve of and direct.

II. That the Commissioners of Her Majesty's Customs shall not be required by anything herein contained to provide the warehouses for the deposit of tobacco in the said borough of Manchester, but that such warehouses shall be provided in the same manner and at the like expense as warehouses for the warehousing of other goods under this Act, and shall be subject to the same conditions and regulations in every respect as warehouses for warehousing tobacco are or may be subject to under any Act or Acts made or to be made relating to the Customs.

III. That from and after the passing of this Act the said recited Act and all other Acts now or hereafter to be made relating to the Customs, and all the powers, authorities, and provisions, privileges and forfeitures, penalties, matters, and things whatever therein contained, except as such powers, authorities, provisions, privileges, penalties, forfeitures, matters, and things are repealed or altered by this Act, shall extend and apply, and be construed to extend and apply, to all warehouses within or near the said borough of Manchester, or within the distance aforesaid, in which goods may be deposited under this Act, and to all goods which shall be removed thereto from any port, or which shall be at any time deposited therein, so far as the same are applicable to the warehousing of goods for home consumption only within or near the said borough or the distance aforesaid.

IV. That the Commissioners of Her Majesty's Customs shall cause an account to be kept of all the expenses incurred by them in the management and collection of the Customs and other duties payable in respect of the goods deposited in such warehouses or places within or near the said borough or distances aforesaid, and of the maintenance of the establishment of officers and clerks necessary for such management and collection, and that on the 1st of January in every year the said Commissioners shall cause a copy of the said account to be furnished to the council of the said borough, and the said council shall forthwith order the same to be paid to the Commissioners of Her Majesty's Customs out of the borough fund of the said borough of Manchester; and in case the council of the said borough shall be of opinion that the amount claimed by the said account is excessive, or in case any difference shall arise concerning the said account, it shall be lawful for the said council to appeal to the Lords of the Treasury, who thereupon shall make such order concerning the same as to them shall seem just, which order shall be conclusive and binding on all parties: Provided also, that every such appeal shall be made by the said council within three calendar months next after any such account shall have been furnished to the council as aforesaid.

V. That in case the said council shall, for the space of three months next after any account hereby required to be rendered to the said council shall have been delivered to the said council, or to the treasurer of the borough, neglect or refuse to make an order for or cause payment of such account to be made, in case there shall be no difference or dispute about the same, or shall neglect or refuse for the space of one calendar month next after any order or minute made by the Lords of the Treasury, or any three or more of them, upon any appeal made to them upon any such disputed account, shall have been delivered to the said council or to the treasurer of the borough, to cause payment to be made of all or any such sum or sums as may be directed to be paid by any such order or minute, then and in such case, and immediately after the expiration of the said calendar month, it shall and may be lawful for the said Commissioners of Her Majesty's Customs, or any two or more of them, by warrant under their hands and seals, to cause all or any of the borough funds or other monies and effects to be distrained upon, and to make sale of any such effects, and to apply the proceeds of such distraint and seizure in discharge and full payment of all such accounts, and all expenses incurred in recovering and proceeding for the same, rendering the overplus, if any, to the treasurer of the said borough.

VI. That in case of any failure in the payment of the expenses incurred or to be incurred by the Crown in the collection and management of the duties of Customs under the provisions of this Act, it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any three of them, to direct that no further goods shall be warehoused without payment of duty in any warehouse approved under the provisions of this Act, until such expense shall be paid and satisfied; and after the issuing of any such directions no goods shall be deposited therein under the provisions of this Act.

VII. That, for and in consideration of the charges and expenses to which the council of the said borough will be put in carrying into effect the provisions of this Act, it shall and may be lawful to and for the council of the said borough, and they are hereby authorized and empowered, from time to time and at all times hereafter, to ask, demand, receive, recover, take, levy, and raise, for and in respect of all such goods, merchandise, and commodities whatsoever as shall be lodged or warehoused under the provisions of this Act, or which shall pay or be liable to pay the customs duty thereon at, in, or near the said borough of Manchester, although the same shall not have been actually lodged or warehoused, or which shall come in any way under the controul or charge of the officers of Customs at Manchester, such rate and duty, rates and duties, as the said council shall from time to time fix and determine: Provided always, that it shall be lawful for the collector or other proper officer of the Customs, under the authority of the Commissioners of Customs, and by their direction, to refuse to permit any goods warehoused under this Act to be delivered from the warehouse until a certificate or other proof that the rates and duties payable to the borough in respect of such goods have been paid or satisfied shall have been produced to him.

VIII. That it shall and may be lawful for the council of the said borough, and they are hereby authorized and required, from time to time when and so often as they shall think it necessary, to ask, demand, receive, recover, take, levy, and raise of and from the occupier or occupiers of each and every warehouse or place of security which the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs by their order, from time to time shall appoint to be warehouses or places of security under and by virtue of this Act, such warehouse rate as the said council shall from time to time, at a meeting of the council duly called for that purpose, fix and determine for and in respect of such warehouse or place of security; and the money or monies to be so rated or assessed on the said occupiers shall be paid in advance by them respectively to the collector or collectors or other person or persons appointed by the said council to collect the same; and in case any occupier

or occupiers of any such warehouse or place, or the owner of any such goods, shall neglect or refuse to pay his, her, or their proportion or proportions of the said rates or assessments respectively to the said collector or collectors or other person or persons for the space of five days after personal demand thereof, or demand in writing left at the place of abode or occupation of such occupier or occupiers, then and in every such case it shall be lawful for the said council, by warrant from any one or more Justice or Justices of the Peace, to levy the amount thereof by distress and sale of his, her, or their goods and chattels; and the surplus (if any) of the monies to be raised by such distress and sale shall be returned to the owner or owners of the goods and chattels so distrained and sold, together with any property which may remain unsold, after deducting all charges attending such distress and sale: Provided always, that it shall be lawful for the said council to recover any rate or assessment due and payable by virtue of this Act by action of debt or on the case in any of Her Majesty's courts of record at Westminster or Court of Common Pleas at Lancaster: Provided also, that no goods warehoused under this Act shall be removed from any such warehouse by virtue of any such distress or sale unless the full duties of Customs due thereon shall have been fully paid and satisfied.

IX. That any person, being either a landlord or tenant, who shall let any warehouse in separate apartments to several tenants, or for any less term than a year, shall for the several purposes of this Act be deemed and taken to be the occupier thereof, and may be rated and assessed accordingly.

X. That the council of the said borough shall appoint one or more collector or collectors, or such other officer or officers as they shall think necessary, to enable them to carry into execution the powers and duties vested in them by virtue of this Act, not being for the collection or management of any duty, matter, or thing relating to the Customs, and shall from time to time, at their pleasure, discontinue the appointment of any such officers, and shall take such security for the due execution of his office by any such officer as the said council shall think proper.

XI. That the council of the said borough shall be and are hereby authorized and empowered from time to time to include the amount of the monies required, or which it may be determined will be required, for the purposes of this Act, in the next estimate for the borough rate to be made within the said borough; and they are hereby authorized and empowered to order such additional amount of money to be included in the next borough rate so to be made and levied within the said borough.

XII. That it shall be lawful for the mayor, aldermen, and burgesses of the said borough, by the said council, to contract for the absolute purchase of any lands situate within or near the said borough, or within the aforesaid limited distance from any part of the town hall thereof, from any person willing to sell the same; and on payment of the purchase money for any such lands to the parties respectively entitled, or otherwise pursuant to the provisions of this Act, the person entitled to, or capacitated to convey such lands shall convey and assure the same to the said mayor, aldermen, and burgesses, to be by them held and enjoyed for the purposes of this Act; and all or any of such lands, including any warehouses and other buildings which may be erected thereon, may be subsequently sold, or otherwise alienated, demised, or leased, in the like manner, for the like purposes, and subject to the like conditions as are and shall for the time being be by law applicable to other lands of the said mayor, aldermen, and burgesses; but the said last preceding provision shall be without prejudice to the power of mortgaging hereby vested in the said mayor, aldermen, and burgesses for the purposes and in manner hereinafter expressed.

XIII. That it shall be lawful for all or any of the following parties, being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and dispose, and convey or release the same unto the said mayor, aldermen, and burgesses, and to enter into all necessary agreements for that purpose; (that is to say,) all corporations, tenants for life or in tail, or for any other partial, qualified, or definite estate or interest, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators; and the power so to sell and convey as aforesaid may lawfully be exercised by all such parties, not only on behalf of themselves, and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled or who may become entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or otherwise not ascertained or not to be found, and as to such married women as if they were sole, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and as to such trustees and executors and administrators on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, females covert, or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this Act as if they had respectively been ascertained and under no disability.

XIV. That, except as hereinafter mentioned, the consideration to be paid for the purchase of any such lands, or of any estate or interest therein, or of any rent or rent-charge affecting the same, shall be in a gross sum.

XV. That the owners of any such lands, or of any such estate or interest therein as aforesaid, and all parties by this Act enabled to convey any such lands, may agree to accept, and, subject to the restrictions in this Act contained as to the payment thereof, may accept, satisfaction for the value of such lands, or any estate or interest therein to which such party shall be entitled.

And with respect to the consideration money to be paid for any lands to be purchased from any party under any disability or incapacity, and not having power to sell or convey, except under the provisions in this Act contained,—

It is Enacted,

XVI. That such consideration money shall not be less than shall be determined by the valuation of two practical surveyors, one of whom shall be nominated by the council, and the other by the other party, and if such two surveyors cannot agree in the valuation, then by such third surveyor as any two Justices shall, upon the application of the council for that purpose, nominate; and each of such two surveyors, if they agree, or if not, then the surveyor nominated by the said Justices, shall annex to the valuation a declaration of the correctness thereof.

XVII. That if any person seised in fee of or entitled absolutely for his own benefit to any lands authorized to be purchased for the purposes of this Act, shall be willing to sell such lands for a perpetual annual rent in lieu of a sum in gross, such person may lawfully sell and convey such lands or any part thereof unto the said mayor, aldermen, and burgesses, in consideration of an annual rent-charge payable by the mayor, aldermen, and burgesses to the person so selling and conveying, and to his heirs and assigns, or to such other person as he or they shall direct.

XVIII. That the yearly rents reserved by any such conveyance shall be charged on the borough fund of the said borough, and shall be paid by the treasurer of such borough as such rents become payable; and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the mayor, aldermen, and burgesses, with costs of suit, by action of debt in any of the superior courts, or it shall be lawful for him to levy the same by distress of the goods and chattels of the said mayor, aldermen, and burgesses.

XIX. That all conveyances of land so to be purchased as aforesaid may respectively be according to the form in the Schedules (A.) and (B.) respectively to this Act annexed, with such variations as the circumstances of the case may reasonably require; and all conveyances under this Act, whether the same shall or shall not be in such form respectively, shall be effectual to vest the lands comprised therein in the mayor, aldermen, and burgesses, and shall operate to merge all terms of years attendant by express declaration or by construction of law on the estate or interest thereby conveyed, and, without inrolment or any further act, to bar and destroy all estates tail, and all other estates, titles, remainders, reversions, limitations, trusts, and interests whatsoever of and in the lands comprised therein; but although terms of years be thereby merged, they shall in equity afford the same protection as if they had been kept on foot and assigned to a trustee for the mayor, aldermen, and burgesses, to attend the reversion and inheritance.

XX. That the costs of investigating the title to any lands which may be purchased by the mayor, aldermen, and burgesses, under the authority of this Act, and of the conveyance thereof respectively, or of any estate or interest therein respectively, and such other costs as are usually paid by the purchaser on the purchase of any lands, or of any estate or interest therein, shall be borne and paid by the mayor, aldermen, and burgesses.

And for the purpose of providing for the deposit and application of the purchase money to be paid in respect of any such lands which may belong to parties under disability,—

It is Enacted,

XXI. That if any such purchase money shall be payable in respect of any such lands, or any interest therein, which any corporation, tenant for life, or any other partial or qualified interest, married woman seised in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, or administrator, or person under any disability, shall be entitled to or interested in, and shall under the powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the sum of 200*l.* be paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Chancery, to be placed to his account there *ex parte* 'The Mayor, Aldermen, and Burgesses of the Borough of Manchester,' pursuant to the method prescribed by an Act, 12 Geo. 1. c. 32, intituled, 'An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the Counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds,' and pursuant to the general rules and orders of the said Court, and without fee or reward, according to the Act, 12 Geo. 2. c. 24, intituled, 'An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of Accountant General of the said Court;' and such monies shall remain so deposited until the same be applied to some one or more of the following purposes; (that is to say.)

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the lands in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or to the like uses, trusts, or purposes; or

In the purchase of other lands, to be conveyed, limited, and settled upon the like uses, trusts, and purposes, and in the same manner as the lands in respect of which such money shall have been paid, stood settled; or,

If such monies shall be paid in respect of any buildings purchased under the authority of this Act, in replacing such buildings, or substituting others in their stead, in such manner as the Court of Chancery shall direct; or

In payment to any party becoming absolutely entitled to such money.

XXII. That such money may be so applied as aforesaid upon an order of the Court of Chancery made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it may upon the like order be invested by the said accountant general in the purchase of 3*l.* per cent. consolidated or 3*l.* per cent. reduced bank annuities, or in government or real securities; and until such annuities or securities shall be ordered to be sold or converted into money for the purposes aforesaid, the interest, dividends, and annual proceeds thereof shall from time to time be paid to the party who would for the time being have been entitled to the rents and profits of the lands so to be purchased; and the order for such investment and application of the interest, dividends, and annual proceeds may be made on the like petition.

And with respect to any such purchase money which shall not amount to the sum of 200*l.*, and shall exceed the sum of 20*l.*—

It is Enacted,

XXIII. That the same shall either be paid into the Bank of England, and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding 200*l.*, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified

by writing under the hands of the parties so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such monies, such nomination may lawfully be made by their respective husbands, guardians, committees or trustees; but such last-mentioned application of the monies shall not be made unless the council approve thereof and of the trustees named for the purpose, such approval to be signified in writing under the hand of the town clerk; and the money so paid to such trustees, and the produce arising therefrom, shall be by such trustees applied in the manner hereinbefore directed with respect to money paid into the Bank of England, but it shall not be necessary to obtain any order of the Court for that purpose.

And with respect to any such money which shall not exceed the sum of 20*l*.—

It is Enacted,

xxiv. That the same shall be paid to the parties who would for the time being have been entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then such money shall be paid, for their use, to the respective husbands, guardians, committees, or trustees of such parties.

xxv. Provided and enacted, That where any purchase-money paid into the Court of Chancery under the provisions of this Act shall have been paid in respect of any lease for lives or years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the Court of Chancery, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might have legally had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

xxvi. That if any question arise respecting the title to the lands in respect whereof such money shall have been so paid or deposited as aforesaid, the parties respectively in possession or receipt of the rents of such lands at the time of such lands being purchased shall be deemed to have been lawfully entitled to such lands, until the contrary be shewn to the satisfaction of the Court; and unless the contrary be shewn as aforesaid the parties so in possession, and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

And with respect to costs in cases of money deposited in the Bank of England,—

It is Enacted,

xxvii. That the Court of Chancery may in all such cases order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the mayor, aldermen, and burgesses; (that is to say,) the costs of the purchase of the lands, or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for, and the costs of the investment of such monies in government or real securities, and of the reinvestment thereof, or of the government or real securities purchased therewith, in the purchase of other lands, and also the costs of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the government or real securities upon which such monies shall be invested, and for the payment out of court of the principal of such monies, or of the government or real securities whereon the same shall be invested, and of all other proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

xxviii. That nothing in this Act contained shall enable the said council to alienate, incumber, or demise, for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, any lands, tenements, or hereditaments which they could not have sold, alienated, incumbered, or demised without such approbation before the passing of this Act, anything in this Act to the contrary notwithstanding.

xxix. That it shall be lawful for the said mayor, aldermen, and burgesses, by the said council, and pursuant to the resolutions of a special meeting of such council, from time to time to borrow and take up at interest any sum or sums of money, but to such amount only that the whole principal debt due at any one time upon such mortgages shall not exceed the sum of 50,000*l*., and that either upon the credit of the rates in respect of or upon goods and warehouses respectively hereby authorized to be made, or either of such rates, or upon the security of any lands which may be purchased under the provisions of this Act, or upon the credit of the borough fund of the said borough, or by any of such means, and to mortgage, demise, grant, or assign the said rates or assessments, or any or either of them, or any parts thereof, and the lands aforesaid respectively, to the persons who shall advance or lend such money, as a security for the same together with the interest thereof, and that by any writing under the seal of the said mayor, aldermen, and burgesses, which writings may respectively be in the words or to the effect set forth in the Schedules (C.) and (D.) to this Act annexed, with such variation, and with such powers, covenants, and provisoes, as the circumstances of the case may reasonably require, or the parties shall agree; and no person advancing any sum or sums upon the credit of any such security shall be bound to see to or be responsible for the application of such money.

xxx. That if two or more mortgages, either of the aforesaid rates or either of them, or of the said lands or any part thereof, shall be made to two or more persons, their respective securities may, according to the actual agreement in that behalf, to be expressed in such mortgages, be either concurrent and to take effect *pari passu*, or with such priority as may be so agreed upon, and in default of and subject to any such agreement the priority of the same mortgages shall be determined by the order of the respective executions thereof: Provided always, that no mortgagee of such rates or either of them shall be entitled to interfere with the ordering or assessing of the same rates, or the amount or collection thereof, but the same shall be from time to time made, assessed, and collected in manner herein directed, and the said mayor, aldermen, and burgesses, acting by their council, shall be trustees for the application thereof in the order and for the purposes hereinafter expressed.

XXXI. That it shall be the duty of the collector or other officer by whom any monies received or raised under this Act shall be received, and he is hereby required, forthwith upon the receipt thereof, to deposit with the treasurer of the said borough every sum of money which shall come to his hands, and whether the same shall arise from any rate or any loan hereby authorized to be raised, or from the rents and profits of such lands; and upon such monies being so deposited it shall be the duty of the said treasurer, and he is hereby required, to pay and dispose of all such monies in such manner as he may be required by any of the laws, bye-laws, or regulations then in force in relation thereto, or, so far as they may not apply, as required by any law, bye-law, or regulation then in force in relation to the monies forming the borough fund; and from time to time it shall be lawful for the council of the said borough to direct by order the issue or payment thereof or of any part thereof for the purpose of being applied according to the provisions of this Act, which order shall be subject to the laws, bye-laws, and regulations then in force in relation to such monies, or, so far as they may not apply, then to any law, bye-law, or regulation then in force in relation to the monies forming the said borough fund.

XXXII. With regard to the monies to be from time to time borrowed under the provisions of this Act, or to arise from any sale of lands previously purchased or acquired hereunder, That it shall be lawful for the said council and they are hereby authorized to apply such monies as follows:

First,—To defray the expenses attendant upon the application for and the obtaining of this Act; and,

Secondly,—To purchase or build one or more warehouses or bonding places for the purposes of this Act, or to alter and render suitable for such warehouses any messuages or buildings which the said council shall purchase by virtue of this Act, and from time to time to enlarge, improve, alter, repair, or rebuild such warehouses and places, or any of them:

And with regard to all other monies to be received by or to become subject to the controul of the said council under the authority of this Act, including the net rents and profits of the lands so to be purchased, and any buildings for the time being, after all reasonable deductions and allowances for lessees repairs, expense of insurance, and proper or reasonable outgoings, it shall be lawful for the said council and they are hereby authorized and required to apply such monies as follows:

First,—Towards the payment of the expense which may be necessarily incurred from time to time in carrying into effect the provisions of this Act, and which are not hereinbefore provided for:

Secondly,—Towards the payment from time to time of the interest of any money which shall be raised by way of mortgage according to the power hereby given, or of so much thereof as shall remain unredeemed:

Thirdly,—Towards the payment of the amount of any sum of money which the said council shall from time to time pay to the Commissioners of Customs by virtue of this Act:

And with regard to the monies to be so borrowed, and as to all other monies so to be received, that if the said monies shall be more than sufficient for the purposes aforesaid, then it shall be lawful for the said Council to apply the surplus thereof either in payment of the money borrowed by the said council under the provisions of this Act, or of so much thereof as they shall from time to time deem it expedient to redeem, or in improvements within the said borough, or otherwise as to the said council shall seem fit for the public benefit of the inhabitants thereof.

XXXIII. That it shall be lawful for the said council, at a meeting thereof at which two-thirds at least of their number shall be present, and they are hereby empowered to make such bye laws as to them shall seem meet with regard to the warehouses to be appointed by virtue of this Act, so far as relates to the management and regulation thereof for the purposes of this Act, and also with regard to the duties or rates authorized to be raised by this Act, so far as relates to the collection thereof, and also with regard to the owners of warehouses and owners of goods lodged therein, and all other persons employed by such owners, or otherwise engaged about such warehouses and goods lodged therein and removed therefrom, and to impose therein such fines for the non-observance of such bye laws, not exceeding 10*l.*, as to them shall seem meet.

XXXIV. Provided and enacted, That no such bye law shall be of any force until after the expiration of forty days after the same, or a copy thereof, shall have been sent, sealed with the seal of the said borough, to the Lords of Her Majesty's Treasury, and after a copy thereof shall have been affixed on or near the outer door of the town hall, or in some other public place within such borough, for the like space of forty days; and if at any time within the said period of forty days the Lords of the Treasury shall disallow such bye law or any part thereof, such bye law, or the part thereof so disallowed, shall not come into operation: Provided also, that it shall be lawful for the Lords of the Treasury, if they shall think fit, at any time within the said period of forty days, to enlarge the time within which such bye law shall not come into force, and no such bye law shall in that case come into force until after the expiration of such enlarged time.

XXXV. That the several provisions, powers, and enactments in the Act, 5 & 6 Will. 4. c. 76, intituled, 'An Act to provide for the Regulation of Municipal Corporations in England and Wales,' and the Acts for the amendment, alteration, or interpretation thereof, shall, so far as the same respectively relate to the several matters and things hereinafter referred to, extend to such matters and things as are hereinafter mentioned in connection therewith; (that is to say),

The provisions for ordering the borough rate, and in respect of appeals therefrom, and for obtaining returns of rateable property and assessments, shall apply to the respective rates authorized to be made hereunder, and to the returns and assessments requisite or proper for the purposes thereof, and the respective provisions for the removal and re-appointment of officers, and in relation to the securities for the due execution of their respective offices, and for the delivery and enforcement of their accounts, and as to their receipts, payments, and duties, and to the remedies and proceedings for enforcing or consequent upon any breach thereof, or in reference to their conduct and behaviour in any respect to the officers, clerks, and servants to be appointed hereunder, and to the like securities, remedies, matters, and things with reference to such officers, clerks, and servants:

And the same Act and Acts, so far as relates to the application of penalties; and

So far as relates to the prosecution of offences punishable upon summary convictions; and

So far as relates to the summoning of witnesses, and the penalties for disobedience of such summons; and

So far as relates to the payment of penalties, the levying thereof by distress, and the imprisonment of offenders; and
 So far as relates to the form of conviction; and
 So far as relates to appeals against convictions under that Act; and
 So far as relates to the informality of proceedings, and the removal of proceedings into Her Majesty's court of record at Westminster, and to the recovery of satisfaction by persons aggrieved by informal proceedings; and
 So far as relates to the protection of persons acting in the execution of that Act in relation to actions and proceedings against them for anything done in pursuance of that Act,
 Shall apply to the like matters under this Act, and in every such case as if such parts of the same Act or Acts were re-enacted herein with the requisite variations.

And for the interpretation of this Act,

It is Enacted,

XXXVI. That in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender only shall include females:

The word "Month" shall mean a calendar month:

The words "Mayor, Aldermen, and Burgesses" shall mean the mayor, aldermen, and burgesses of the borough of Manchester in the county of Lancaster:

The word "Council" shall mean the council of the borough of Manchester:

The word "Borough" shall mean the borough of Manchester as comprised in Her Majesty's charter of incorporation:

The word "Justice" shall mean any one of Her Majesty's Justices of the Peace acting in and for the said borough of Manchester or the said county of Lancaster:

The word "Goods" shall mean all goods, commodities, and merchandize whatsoever which now or for the time being may by law be warehoused or lodged according to the provisions of the said warehousing Act:

The word "Warehouses" shall include all places of security or premises appointed in pursuance of this Act for the warehousing or lodging of goods, and to the buildings, walls, yards, and other places appurtenant thereto or connected therewith, including yards for bonding timber, whether the same warehouses be situate within or near the borough of Manchester:

The word "Owners," used in connection with or with reference to goods, shall include reputed or ostensible owners, and all persons in whose names any goods shall have been warehoused under this Act, or shall for the time being stand in the books kept by the officers of Customs having the charge of the warehouse in which the same shall be lodged, or shall have been lodged at the time of the payment of the duties of Customs thereon, and also all persons who in respect of such goods shall be liable to the payment of such duties:

The word "Lands" shall extend to messuages, lands, tenements, and hereditaments of any tenure:

The term "Lords of the Treasury" shall mean also and include the Lord High Treasurer, or the Lords Commissioners of Her Majesty's Treasury for the time being, as the case may be:

The word "Commissioners" shall mean and include the Commissioners of Her Majesty's Customs for the time being.

XXXVII. That this Act shall be deemed to be a public Act, and shall be judicially taken notice of as such.

XXXVIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of to me [or, as the Case may be]
 into the Bank of England, in the Name and with the Privy of the Accountant General of the Court of Chancery, ex parte
 "The Mayor, Aldermen, and Burgesses of the Borough of Manchester," [or to A.B. of and C.D. of
 Two Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by the Mayor,
 Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the
 Reign of Her Majesty Queen Victoria, intituled [here set forth the Title of this Act], do hereby convey to the Mayor, Alder-
 men, and Burgesses, their Successors and Assigns, all [describe the Premises to be conveyed], together with all Ways, Rights,
 and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part
 thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or sur-
 render, to hold the Premises to the Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to
 the true Intent and Meaning of this Act. In witness whereof I have hereunto set my Hand and Seal, the
 Day of in the Year of our Lord

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as
 hereinafter mentioned, by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed
 in the Year of the Reign of Her Majesty Queen Victoria, intituled [here set forth the Title of this Act], do

hereby convey to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [describing the Premises to be conveyed], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised of, or am by the said Act capacitated or empowered to convey or surrender, to hold the said Premises to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [or half-yearly, as agreed upon,] Portions henceforth on the [stating the Days], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHEDULE (C.)

Form of Mortgage upon the Security of Lands purchased.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of an Act passed [here set forth the Title of this Act], in consideration of the Sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt indorsed on these Presents, do by these Presents demise and assign to the said his Executors, Administrators, and Assigns, all that [here describe the Premises], and all the Estate, Right, Title, and Interest of the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the same, to have and to hold the said [shortly specifying the Premises], hereby demised, and all Benefit and Advantage thereunto belonging, unto the said his Executors, Administrators, and Assigns, until the Expiration of the Term of One thousand Years [or for a shorter Period, according to the Nature of the Property, or the Extent of any Term therein], or until the said Sum, with Interest thereon at the Rate of for every One hundred Pounds by the Year, shall have been paid or satisfied, which shall first happen. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (D.)

Form of Mortgage where the Loan is made on Security of Rates.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of the Act passed [here set forth the Title of this Act], in consideration of the sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt indorsed on these Presents, do by these Presents assign unto the said his Executors, Administrators, and Assigns, all the Rates and Duties arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Mayor, Aldermen, and Burgesses therein, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of together with all Interest for the same at the Rate of for every One hundred Pounds by the Year, shall be paid and satisfied. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and

CAP. XXXII.

An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Bank to establish a separate department for the issue of notes.
2. Management of the issue by Bank of England.
3. Proportion of silver bullion to be retained in the Issue Department.
4. All persons may demand of the Issue Department notes for gold bullion.
5. Power to increase securities in the Issue Department, and issue additional notes.
6. Account to be rendered by the Bank of England.
7. Bank of England exempted from stamp duty upon their notes.
8. Bank to allow 180,000*l.* per annum.
9. Bank to allow the public the profits of increased circulation.

10. *No new bank of issue.*
11. *Restriction against issue of bank notes.*
12. *Bankers ceasing to issue notes may not resume.*
13. *Existing banks of issue to continue under certain limitations.*
14. *Provision for united banks.*
15. *Duplicate certificate to be published in the Gazette.—Gazette to be evidence.*
16. *In case banks become united Commissioners to certify the amount of bank notes which each bank was authorized to issue.*
17. *Penalty on banks issuing in excess.*
18. *Issuing banks to render accounts.*
19. *Mode of ascertaining the average amount of bank notes of each banker in circulation during the first four weeks after 10th Oct. 1844.*
20. *Commissioners of Stamps and Taxes empowered to cause the books of bankers containing accounts of their bank notes in circulation to be inspected.—Penalty for refusing to allow such inspection.*
21. *All bankers to return names once a year to the Stamp Office.*
22. *Bankers to take out a separate licence for every place at which they issue notes or bills.—Proviso in favour of bankers who had four such licences in force on the 6th of May 1844.*
23. *Compensation to certain bankers named in the Schedule.*
24. *Bank of England to be allowed to compound with issuing banks.—Limitation of compositions.*
25. *Compositions to cease on the 1st August 1856.*
26. *Banks within sixty-five miles of London may accept, &c. bills.*
27. *Bank to enjoy privileges, subject to redemption.*
28. *Interpretation clause.*
29. *Act may be amended.*

By this Act,

After reciting that it is expedient to regulate the issue of bills or notes payable on demand: And that an Act was passed in 3 & 4 Will. 4. c. 98, intituled, 'An Act for giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions;' and it is expedient that the privileges of exclusive banking therein mentioned should be continued to the said Governor and Company of the Bank of England, with such alterations as are herein contained, upon certain conditions:—

It is Enacted,

I. That from and after the 31st day of August 1844 the issue of promissory notes of the Governor and Company of the Bank of England, payable on demand, shall be separated and thenceforth kept wholly distinct from the general banking business of the said governor and company; and the business of and relating to such issue shall be thenceforth conducted and carried on by the said governor and company in a separate department, to be called "The Issue Department of the Bank of England," subject to the rules and regulations hereinafter contained; and it shall be lawful for the court of directors of the said governor and company, if they shall think fit, to appoint a committee or committees of directors for the conduct and management of such Issue Department of the Bank of England, and from time to time to remove the members, and define, alter, and regulate the constitution and powers of such committee, as they shall think fit, subject to any bye laws, rules, or regulations which may be made for that purpose: provided nevertheless, that the said issue department shall always be kept separate and distinct from the banking department of the said governor and company.

II. That upon the 31st of August 1844 there shall be transferred, appropriated, and set apart by the said governor and company to the Issue Department of the Bank of England securities to the value of 14,000,000*l.*, whereof the debt due by the public to the said governor and company shall be and be deemed a part; and there shall also at the same time be transferred, appropriated and set apart by the said governor and company to the said Issue Department so much of the gold coin and gold and silver bullion then held by the Bank of England as shall not be required by the banking department thereof; and thereupon there shall be delivered out of the said Issue Department into the said banking department of the Bank of England such an amount of Bank of England notes as, together with the Bank of England notes then in circulation, shall be equal to the aggregate amount of the securities, coin, and bullion so transferred to the said Issue Department of the Bank of England; and the whole amount of Bank of England notes then in circulation, including those delivered to the Banking Department of the Bank of England as aforesaid, shall be deemed to be issued on the credit of such securities, coin, and bullion so appropriated and set apart to the said Issue Department; and from thenceforth it shall not be lawful for the said governor and company to increase the amount of securities for the time being in the said Issue Department, save as hereinafter is mentioned, but it shall be lawful for the said governor and company to diminish the amount of such securities, and again to increase the same to any sum not exceeding in the whole the sum of 14,000,000*l.*, and so from time to time as they shall see occasion; and from and after such transfer and appropriation to the said Issue Department as aforesaid it shall not be lawful for the said governor and company to issue Bank of England notes, either into the Banking Department of the Bank of England, or to any persons or person whatsoever, save in exchange for other Bank of England notes, or for gold coin or for gold or silver bullion received or purchased for the said Issue Department under the provisions of this Act, or in exchange for securities acquired and taken in the said Issue Department under the provisions herein contained: Provided always, that it shall be lawful for the said governor and company in their banking department to issue all such Bank of England notes as they shall at any time receive from the said Issue Department or otherwise, in the same manner in all respects as such issue would be lawful for any other person or persons.

And after reciting that it is necessary to limit the amount of silver bullion on which it shall be lawful for the Issue Department of the Bank of England to issue Bank of England notes:—

It is Enacted,

III. That it shall not be lawful for the Bank of England to retain in the Issue Department of the said Bank at any one time an amount of silver bullion exceeding one fourth part of the gold coin and bullion at such time held by the Bank of England in the Issue Department.

IV. That from and after the 31st of August, 1844, all persons shall be entitled to demand from the Issue Department of the Bank of England Bank of England notes in exchange for gold bullion, at the rate of 3*l.* 17*s.* 9*d.* per ounce of standard gold: Provided always, that the said governor and company shall in all cases be entitled to require such gold bullion to be melted and assayed by persons approved by the said governor and company at the expense of the parties tendering such gold bullion.

V. Provided and enacted, That if any banker who on the 6th of May 1844, was issuing his own bank notes shall cease to issue his own bank notes, it shall be lawful for Her Majesty in Council at any time after the cessation of such issue, upon the application of the said governor and company, to authorize and empower the said governor and company to increase the amount of securities in the said Issue Department beyond the total sum or value of 14,000,000*l.*, and thereupon to issue additional Bank of England notes to an amount not exceeding such increased amount of securities specified in such order in council, and so from time to time: Provided always, that such increased amount of securities specified in such order in council shall in no case exceed the proportion of two thirds the amount of bank notes which the banker so ceasing to issue may have been authorized to issue under the provisions of this Act; and every such order in council shall be published in the next succeeding *London Gazette*.

VI. That an account of the amount of Bank of England notes issued by the Issue Department of the Bank of England, and of gold coin and of silver bullion respectively, and of securities in the said Issue Department, and also an account of the capital stock, and the deposits, and of the money and securities belonging to the said governor and company in the Banking Department of the Bank of England, on some day in every week to be fixed by the Commissioners of Stamps and Taxes, shall be transmitted by the said governor and company weekly to the said Commissioners in the form prescribed in the Schedule hereto annexed marked (A.), and shall be published by the said Commissioners in the next succeeding *London Gazette* in which the same may be conveniently inserted.

VII. That from and after the said 31st of August 1844, the said Governor and Company of the Bank of England shall be released and discharged from the payment of any stamp duty, or composition in respect of stamp duty, upon or in respect of their promissory notes payable to bearer on demand; and all such notes shall thenceforth be and continue free and wholly exempt from all liability to any stamp duty whatsoever.

VIII. That from and after the said 31st of August 1844, the payment or deduction of the annual sum of 120,000*l.*, made by the said governor and company under the provisions of the said Act, 3 & 4 Will. 4. c. 98, out of the sums payable to them for the charges of management of the public unredeemed debt, shall cease, and in lieu thereof the said governor and company, in consideration of the privileges of exclusive banking, and the exemption from stamp duties, given to them by this Act, shall, during the continuance of such privileges and such exemption respectively, but no longer, deduct and allow to the public, from the sums now payable by law to the said governor and company for the charges of management of the public unredeemed debt, the annual sum of 180,000*l.*, anything in any Act or Acts of Parliament, or in any agreement, to the contrary notwithstanding: Provided always, that such deduction shall in no respect prejudice or affect the rights of the said governor and company to be paid for the management of the public debt at the rate and according to the terms provided in an Act, 48 Geo. 3. c. 4, intitled, 'An Act to authorize the advancing for the Public Service, upon certain Conditions, a Proportion of the Balance remaining in the Bank of England, for the payment of Unclaimed Dividends, Annuities, and Lottery Prizes, and for regulating the allowances to be made for the management of the National Debt.'

IX. That in case, under the provisions hereinbefore contained, the securities held in the said Issue Department of the Bank of England shall at any time be increased beyond the total amount of 14,000,000*l.*, then and in each and every year in which the same shall happen, and so long as such increase shall continue, the said governor and company shall, in addition to the said annual sum of 180,000*l.*, make a further payment or allowance to the public, equal in amount to the net profit derived in the said issue department during the current year from such additional securities, after deducting the amount of the expenses occasioned by the additional issue during the same period, which expenses shall include the amount of any and every composition or payment to be made by the said governor and company to any banker in consideration of the discounting at any time hereafter of the issue of bank notes by such banker; and such further payment or allowance to the public by the said governor and company shall, in every year while the public shall be entitled to receive the same, be deducted from the amount by law payable to the said governor and company for the charges of management of the unredeemed public debt, in the same manner as the said annual sum of 180,000*l.* is hereby directed to be deducted therefrom.

X. That from and after the passing of this Act no person other than a banker who on the 6th of May 1844, was lawfully issuing his own bank notes shall make or issue bank notes in any part of the United Kingdom.

XI. That from and after the passing of this Act it shall not be lawful for any banker to draw, accept, make, or issue, in England or Wales, any bill of exchange or promissory note or engagement for the payment of money payable to bearer on demand, or to borrow, owe, or take up, in England or Wales, any sums or sum of money on the bills or notes of such banker payable to bearer on demand, save and except that it shall be lawful for any banker who was on the 6th of May 1844, carrying on the business of a banker in England or Wales, and was then lawfully issuing, in England or Wales, his own bank notes, under the authority of a licence to that effect, to continue to issue such notes to the extent and under the conditions hereinafter mentioned, but not further or otherwise; and the right of any company or partnership to continue to issue such notes shall not

be in any manner prejudiced or affected by any change which may hereafter take place in the personal composition of such company or partnership, either by the transfer of any shares or share therein, or by the admission of any new partner or member thereto, or by the retirement of any present partner or member therefrom: Provided always, that it shall not be lawful for any company or partnership now consisting of only six or less than six persons to issue bank notes at any time after the number of partners therein shall exceed six in the whole.

XII. That if any banker in any part of the United Kingdom who after the passing of this Act shall be entitled to issue bank notes shall become bankrupt, or shall cease to carry on the business of a banker, or shall discontinue the issue of bank notes, either by agreement with the Governor and Company of the Bank of England or otherwise, it shall not be lawful for such banker at any time thereafter to issue any such notes.

XIII. That every banker claiming under this Act to continue to issue bank notes in England or Wales shall within one month next after the passing of this Act, give notice in writing to the Commissioners of Stamps and Taxes at their head office in London of such claim, and of the place and name and firm at and under which such banker has issued such notes during the twelve weeks next preceding the 27th of April last; and thereupon the said Commissioners shall ascertain if such banker was on the 6th of May 1844 carrying on the business of a banker, and lawfully issuing his own bank notes in England or Wales, and if it shall so appear, then the said Commissioners shall proceed to ascertain the average amount of the bank notes of such banker which were in circulation during the said period of twelve weeks preceding the 27th day of April last, according to the returns made by such banker in pursuance of the Act, 4 & 5 Vict. c. 50, intitled, 'An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in circulation;' and the said Commissioners or any two of them shall certify under their hands to such banker the said average amount, when so ascertained as aforesaid; and it shall be lawful for every such banker to continue to issue his own bank notes after the passing of this Act: Provided, nevertheless, that such banker shall not at any time after the 10th of October 1844 have in circulation upon the average of a period of four weeks, to be ascertained as hereinafter mentioned, a greater amount of notes than the amount so certified.

XIV. Provided and enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any two or more banks have, by written contract or agreement (which contract or agreement shall be produced to the said Commissioners), become united within the twelve weeks next preceding such 27th of April as aforesaid, it shall be lawful for the said Commissioners to ascertain the average amount of the notes of each such bank in the manner hereinbefore directed, and to certify the average amount of the notes of the two or more banks so united as the amount which the united bank shall thereafter be authorized to issue, subject to the regulations of this Act.

XV. That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any banker such particulars as they are hereinbefore required to certify, also publish a duplicate of their certificate thereof in the next succeeding *London Gazette* in which the same may be conveniently inserted; and the *Gazette* in which such publication shall be made shall be conclusive evidence in all courts whatsoever of the amount of bank notes which the banker named in such certificate or duplicate is by law authorized to issue and to have in circulation as aforesaid.

XVI. That in case it shall be made to appear to the Commissioners of Stamps and Taxes, at any time hereafter, that any two or more banks, each such bank consisting of not more than six persons, have, by written contract or agreement (which contract or agreement shall be produced to the said Commissioners), become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the application of such united bank, to certify, in manner hereinbefore mentioned, the aggregate of the amounts of bank notes which such separate banks were previously authorized to issue, and so from time to time; and every such certificate shall be published in manner hereinbefore directed; and from and after such publication the amount therein stated shall be and be deemed to be the limit of the amount of bank notes which such united bank may have in circulation: Provided always, that it shall not be lawful for any such united bank to issue bank notes at any time after the number of partners therein shall exceed six in the whole.

XVII. That if the monthly average circulation of bank notes of any banker, taken in the manner hereinafter directed, shall at any time exceed the amount which such banker is authorized to issue and to have in circulation under the provisions of this Act, such banker shall in every such case forfeit a sum equal to the amount by which the average monthly circulation, taken as aforesaid, shall have exceeded the amount which such banker was authorized to issue and to have in circulation as aforesaid.

XVIII. That every banker in England and Wales who, after the 10th of October 1844, shall issue bank notes shall on some one day in every week after the 19th of October 1844 (such day to be fixed by the Commissioners of Stamps and Taxes) transmit to the said Commissioners an account of the amount of the bank notes of such banker in circulation on every day during the week ending on the next preceding Saturday, and also an account of the average amount of the bank notes of such banker in circulation during the same week; and on completing the first period of four weeks, and so on completing each successive period of four weeks, every such banker shall annex to such account the average amount of bank notes of such banker in circulation during the said four weeks, and also the amount of bank notes which such banker is authorized to issue under the provisions of this Act; and every such account shall be verified by the signature of such banker or his chief cashier, or, in the case of a company or partnership, by the signature of a managing director or partner or chief cashier of such company or partnership, and shall be made in the form to this Act annexed marked (B.); and so much of the said return as states the weekly average amount of the notes of such bank shall be published by the said Commissioners in the next succeeding *London Gazette* in which the same may be conveniently inserted; and if any such banker shall neglect or refuse to render any such account in the form and at the time required by this Act, or shall at any time render a false account, such banker shall forfeit the sum of 100*l.* for every such offence.

XIX. That for the purpose of ascertaining the monthly average amount of bank notes of each banker in circulation the aggregate of the amount of bank notes of each such banker in circulation on every day of business during the first complete

period of four weeks, next after the 10th of October 1844, such period ending on a Saturday, shall be divided by the number of days of business in such four weeks, and the average so ascertained shall be deemed to be the average of bank notes of each such banker in circulation during such period of four weeks, and so in each successive period of four weeks, and such average is not to exceed the amount certified by the Commissioners of Stamps and Taxes as aforesaid.

And after reciting that, in order to insure the rendering of true and faithful accounts of the amount of bank notes in circulation, as directed by this Act, it is necessary that the Commissioners of Stamps and Taxes should be empowered to cause the books of bankers issuing such notes to be inspected, as hereinafter mentioned;—

It is Enacted,

XX. That all and every the book and books of any banker who shall issue bank notes under the provisions of this Act, in which shall be kept, contained, or entered any account, minute, or memorandum of or relating to the bank notes issued or to be issued by such banker, or of or relating to the amount of such notes in circulation from time to time, or any account, minute, or memorandum the sight or inspection whereof may tend to secure the rendering of true accounts of the average amount of such notes in circulation, as directed by this Act, or to test the truth of any such account, shall be open for the inspection and examination, at all reasonable times, of any officer of stamp duties authorized in that behalf by writing, signed by the Commissioners of Stamps and Taxes or any two of them; and every such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid; and if any banker or other person keeping any such book, or having the custody or possession thereof, or power to produce the same, shall, upon demand made by any such officer, showing (if required) his authority in that behalf, refuse to produce any such book to such officer for his inspection and examination, or to permit him to inspect and examine the same, or to take copies thereof or extracts therefrom, or of or from any such account, minute, or memorandum as aforesaid kept, contained, or entered therein, every such banker or other person so offending shall for every such offence forfeit the sum of 100*l.*: Provided always, that the said Commissioners shall not exercise the powers aforesaid without the consent of the Commissioners of Her Majesty's Treasury.

XXI. That every banker in England and Wales who is now carrying on or shall hereafter carry on business as such shall on the 1st of January in each year, or within fifteen days thereafter, make a return to the Commissioners of Stamps and Taxes at their head office in London of his name, residence, and occupation, or, in the case of a company or partnership, of the name, residence, and occupation of every person composing or being a member of such company or partnership, and also the name of the firm under which such banker, company, or partnership carry on the business of banking, and of every place where such business is carried on; and if any such banker, company, or partnership shall omit or refuse to make such return within fifteen days after the said 1st of January, or shall wilfully make other than a true return of the persons as herein required, every banker, company, or partnership so offending shall forfeit and pay the sum of 50*l.*; and the said Commissioners of Stamps and Taxes shall on or before the 1st of March in every year publish in some newspaper circulating within each town or county respectively a copy of the return so made by every banker, company, or partnership carrying on the business of bankers within such town or county respectively, as the case may be.

XXII. That every banker who shall be liable by law to take out a licence from the Commissioners of Stamps and Taxes to authorise the issuing of notes or bills shall take out a separate and distinct licence for every town or place at which he shall, by himself or his agent, issue any notes or bills requiring such licence to authorize the issuing thereof, anything in any former Act contained to the contrary thereof notwithstanding: Provided always, that no banker who on or before the 6th of May 1844 had taken out four such licences, which on the said last-mentioned day were respectively in force, for the issuing of any such notes or bills at more than four separate towns or places, shall at any time hereafter be required to take out or to have in force at one and the same time more than four such licences to authorize the issuing of such notes or bills at all or any of the same towns or places specified in such licences in force on the said 6th of May 1844, and at which towns or places respectively such bankers had on or before the said last-mentioned day issued such notes or bills in pursuance of such licences or any of them respectively.

And after reciting that the several bankers named in the Schedule hereto annexed marked (C.) have ceased to issue their own bank notes under certain agreements with the Governor and Company of the Bank of England; and it is expedient that such agreements should cease and determine on the 31st of December next, and that such bankers should receive by way of compensation such composition as hereafter mentioned; and a list of such bankers, and a statement of the maximum sums in respect of which each such banker is to receive compensation, hath been delivered to the Commissioners of Stamps and Taxes, signed by the chief cashier of the Bank of England:—

It is Enacted,

XXIII. That the several agreements subsisting between the said governor and company and the several bankers mentioned in the Schedule hereto relating to the issue of Bank of England notes shall cease and determine on the 31st of December next; and from and after that day the said governor and company shall pay and allow to the several bankers named in the Schedule hereto marked (C.), so long as such bankers shall be willing to receive the same, a composition at and after the rate of 1*l.* per centum per annum on the average amount of the Bank of England notes issued by such bankers respectively and actually remaining in circulation, to be ascertained as follows: (that is to say,) on some day in the month of April 1845, to be determined by the said governor and company, an account shall be taken of the Bank of England notes delivered to such bankers respectively by the said governor and company within three months next preceeding, and of such of the said Bank of England notes as shall have been returned to the Bank of England, and the balance shall be deemed to be the amount of the Bank of England notes issued by such bankers respectively and kept in circulation; and a similar account shall be taken at intervals of three calendar months; and the average of the balances ascertained on taking four such accounts shall be deemed to be the average amount of Bank of England notes issued by such bankers respectively and kept in circulation during the year 1845, and on which amount such bankers are respectively to receive the aforesaid composition of 1*l.* per centum for the year 1845; and similar accounts shall be taken in each succeeding year; but in each year such account shall be taken in different months from those in which the accounts of the last preceeding year were taken, and on different days of the month

such months and days to be determined by the said governor and company; and the amount of the composition payable as aforesaid shall be paid by the said governor and company out of their own funds; and in case any difference shall arise between any of such bankers and the governor and company of the Bank of England in respect of the composition payable as aforesaid, the same shall be determined by the Chancellor of the Exchequer for the time being, or by some person to be named by him, and the decision of the Chancellor of the Exchequer, or his nominee, shall be final and conclusive: Provided always, that it shall be lawful for any banker named in the Schedule hereto annexed marked (C.) to discontinue the receipt of such composition as aforesaid, but no such banker shall by such discontinuance as aforesaid thereby acquire any right or title to issue bank notes.

XXIV. That it shall be lawful for the said governor and company to agree with every banker who, under the provisions of this Act, shall be entitled to issue bank notes, to allow to such banker a composition at the rate of 1*l.* per centum per annum on the amount of Bank of England notes which shall be issued and kept in circulation by such banker, as a consideration for his relinquishment of the privilege of issuing his own bank notes; and all the provisions herein contained for ascertaining and determining the amount of composition payable to the several bankers named in the Schedule hereto marked (C.) shall apply to all such other bankers with whom the said governor and company are hereby authorized to agree as aforesaid: provided that the amount of composition payable to such bankers as last aforesaid shall in every case in which an increase of securities in the issue department shall have been authorized by any Order in Council be deducted out of the amount payable by the said governor and company to the public under the provisions herein contained: Provided always, that the total sum payable to any banker, under the provisions herein contained, by way of composition as aforesaid, in any one year, shall not exceed, in case of the bankers mentioned in the Schedule hereto marked (C.), 1*l.* per centum on the several sums set against the names of such bankers respectively in the list and statement delivered to the Commissioners of Stamps as aforesaid, and in the case of other bankers shall not exceed 1*l.* per centum on the amount of bank notes which such bankers respectively would otherwise be entitled to issue under the provisions herein contained.

XXV. That all the compositions payable to the several bankers mentioned in the Schedule hereto marked (C.), and such other bankers as shall agree with the said governor and company to discontinue the issue of their own bank notes as aforesaid, shall, if not previously determined by the act of such banker as hereinbefore provided, cease and determine on the 1st of August 1856, or on any earlier day on which Parliament may prohibit the issue of bank notes.

XXVI. That from and after the passing of this Act it shall be lawful for any society or company or any persons in partnership, though exceeding six in number, carrying on the business of banking in London, or within sixty-five miles thereof, to draw, accept, or endorse bills of exchange, not being payable to bearer on demand, anything in the hereinbefore recited Act, 3 & 4 Will. 4. c. 98, or in any other Act, to the contrary notwithstanding.

XXVII. That the said Governor and Company of the Bank of England shall have and enjoy such exclusive privilege of banking as is given by this Act, upon such terms and conditions, and subject to the termination thereof at such time and in such manner as is by this Act provided and specified; and all and every the powers and authorities, franchises, privileges, and advantages, given or recognized by the said recited Act, 4 Will. 4. c. 98, as belonging to or enjoyed by the said Governor and Company of the Bank of England, or by any subsequent Act or Acts of Parliament, shall be and the same are hereby declared to be in full force, and continued by this Act, except so far as the same are altered by this Act; subject nevertheless to redemption upon the terms and conditions following; (that is to say,) at any time upon twelve months notice to be given after the 1st of August 1855, and upon repayment by Parliament to the said governor and company or their successors of the sum of 11,015,100*l.*, being the debt now due from the public to the said governor and company, without any deduction, discount, or abatement whatsoever, and upon payment to the said governor and company and their successors of all arrears of the sum of 100,000*l.* per annum, in the last-mentioned Act mentioned, together with the interest or annuities payable upon the said debt or in respect thereof, and also upon repayment of all the principal and interest which shall be owing unto the said governor and company and their successors upon all such tallies, Exchequer orders, Exchequer bills, or Parliamentary funds which the said governor and company or their successors shall have remaining in their hands or be entitled to at the time of such notice to be given as last aforesaid, then and in such case, and not till then, the said exclusive privileges of banking granted by this Act shall cease and determine at the expiration of such notice of twelve months; and any vote or resolution of the House of Commons, signified under the hand of the Speaker of the said house in writing and delivered at the public office of the said Governor and Company, shall be deemed and adjudged to be a sufficient notice.

XXVIII. That the term "Bank Notes" used in this Act shall extend and apply to all bills or notes for the payment of money to the bearer on demand other than bills or notes of the Governor and Company of the Bank of England; and that the term "Bank of England Notes" shall extend and apply to the promissory notes of the Governor and Company of the Bank of England payable to bearer on demand; and that the term "Banker" shall extend and apply to all corporations, societies, partnerships, and persons, and every individual person carrying on the business of banking, whether by the issue of bank notes or otherwise, except only the Governor and Company of the Bank of England; and that the word "Person" used in this Act shall include corporations; and that the singular number in this Act shall include the plural number, and the plural number the singular, except where there is anything in the context repugnant to such construction; and that the masculine gender in this Act shall include the feminine, except where there is anything in the context repugnant to such construction.

XXIX. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

SCHEDULES to which the Act refers.

SCHEDULE (A).

BANK OF ENGLAND.

An Account pursuant to the Act 7 & 8 Vict. Cap. for the Week ending on the Day of .

Issue Department.

Notes issued	£	Government Debt	£
		Other Securities	
		Gold Coin and Bullion	
		Silver Bullion	
	£		£
Dated the	Day of	18 .	Cashier.

Banking Department.

Proprietors' Capital	£	Government Securities (including Dead	£
Reserve		Weight Annuity)	
Public Deposits (to include Exchequer, Sav-		Other Securities	
ing Banks, Commissioners of National Debt,		Notes	
and Dividend Accounts)		Gold and Silver Coin	
Other Deposits			
Seven Day and other Bills			
	£		£
Dated the	Day of	18 .	Cashier.

SCHEDULE (B.)

Name and Title as set forth } _____ Bank.
 in the Licence }
 Name of the Firm } _____ Firm.
 Insert Head Office, or prin- } _____ Place.
 cipal Place of Issue }

An Account pursuant to the Act 7 & 8 Vict. Cap. of the Notes of the said Bank in circulation during the Week ending Saturday the Day of 18 .

Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
	6)

Average of the Week

(To be annexed to this Account at the End of each Period of Four Weeks.)

Amount of Notes authorized by Law £
 Average Amount in circulation during the }
 Four Weeks ending as above } £

I, being [the Banker, Chief Cashier, Managing Director, or Partner of the Bank, as the Case may be], do hereby
 certify, That the above is a true Account of the Notes of the said Bank in circulation during the Week above written.
 (Signed)

Dated the Day of 18 .

SCHEDULE (C.)

Banks which have ceased to issue their own Bank Notes, under certain agreements with the Governor and Company of the Bank of England.

Bank of Liverpool.
J. Barned & Co.
Biddulph, Brothers, & Co.
Birmingham Banking Company.
Birmingham Town and District Bank.
Birmingham and Midland Banking Company.
Burgess and Son.
Coopers and Purton.
Cunliffes, Brookes, and Co.
Deane, Littlehales, and Deane.
Dendy, Comper, and Co.
Devon and Cornwall Banking Company.
Grants and Gillman.
Hampshire Banking Company.
James W. R. Hall.
J. M. Head and Co.
Henty, Upperton, and Olliver.
Thomas Kinnersly and Sons.
R. J. Lambton and Co.
Liverpool Commercial Banking Company.
Liverpool Union Bank.
Liverpool Borough Bank.

Manchester and Liverpool District Banking Company.
Manchester and Salford Banking Company.
Monmouth and Glamorgan Banking Company.
Moss and Company.
Mangles, Brothers.
Newcastle Commercial Banking Company.
Newcastle-on-Tyne Joint Stock Banking Company.
North of England Joint Stock Banking Company.
Northumberland and Durham District Bank.
Portsmouth and South Hants Bank Company.
T. and R. Raikes and Co.
Robinson and Brodhurst.
Sheffield Union Bank.
John Stoveld.
Sunderland Joint Stock Banking Company.
Tugwell and Co.
Union Bank of Manchester.
Vivian, Kitson, & Co.
Watts, Whiteway, and Co.
J. and J. C. Wright and Co.
Webb, Holbrook, and Spencer.

CAP. XXXIII.

AN ACT for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Justices of the Peace shall send precepts directly to guardians of unions for the payment of county rates, &c.—Guardians to pay such rates.—County treasurer to receive the same.*
2. *If the guardians fail to pay such rates, the Justices may issue warrants to the overseers of parishes, &c. to pay the same.*
3. *If the overseers, &c. fail to pay, the Justices may levy the rate by distress and sale.*
4. *Parishes not in arrear with contributions to be reimbursed by those which are in arrear.*
5. *Justices may issue precepts to the overseers of parishes, &c. not comprised in unions, or only partly within the jurisdiction of the Justices, without the intervention of the high constable.*
6. *Delivery of precepts, &c. by post, and evidence thereof.*
7. *Where special sessions are required to be holden notice of the same to be sent to each Justice.*
8. *High constable now appointed at Quarter Sessions to be appointed at special sessions.—High constables to take only the oath for due execution of their office.*
9. *Construction of the words "parish," "union," "guardians."*

By this Act,

After reciting that the constitution of boards of guardians for parishes and unions of parishes for the administration of the laws for the relief of the poor in England, together with the appointment of treasurers holding funds contributed by such parishes, affords great facility for the collection of county rates, hundred rates, police rates, and other like rates authorized to be levied in counties or parts of counties; and it is expedient to relieve high constables from the duties of collecting and paying to the county treasurer the said rates, and from attending at the Quarter Sessions of the Peace of their several counties in certain cases, and from the performance of certain other duties at present by law imposed on them:—

It is Enacted,

1. That from and after the 1st of October in this present year, so soon as any vacancy occurs in the office of high constable of any hundred, by the expiration of his appointment, or otherwise, then, as often as the Justices of the Peace within the respective limits of their commissions in England have made a county rate or a police rate, or any other rate which may by law be raised in like manner as county rates, or any two or more such rates, such Justices assembled at their general or quarter sessions, or at any adjournment thereof, shall order precepts in the form shewn in the Schedule annexed to this Act,

or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union, the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated to be paid by them, out of the monies held by them on behalf of each such parish, to the treasurer of the county or place for which such Justices act, and may cause such precepts to be sent by post, or otherwise, to such guardians; and such precepts shall have force in every such union so far as concerns such parishes as are within the limits of the commission of the said Justices, notwithstanding that the place of meeting of such guardians may not be situated within such limits, and without being indorsed with the signature of any Justice of the Peace having ordinary jurisdiction in the place of meeting of the guardians; and such guardians shall raise the monies required by such precepts to be paid in like manner as the money required by such guardians for the relief of the poor, and shall pay such monies at the time limited and in the manner prescribed by such precepts; and if the treasurer of such guardians, or any person on his or their behalf, tender to the treasurer of the county or place for which such Justices act the aggregate of the said several sums, or if he so tender the whole sum assessed on any such parish or parishes in respect of any such rate or rates, together with a copy of such precept in which are specified the parish or parishes, and the rate or rates, in respect of which the same is so tendered, the treasurer of the county shall receive the sum so tendered, notwithstanding that the sums required to be paid on behalf of other of such parishes or of other of such rates be not then tendered, and shall give a receipt for the sum or sums received by him accordingly, but he shall not receive any sum on behalf of any such parish less than the whole of the sum assessed and charged thereon in respect of one such rate; and the receipt of the treasurer of such county or place shall be a good discharge for the payment of the sums specified in any such precept or of any of them.

II. That in case guardians do not pay within the time limited in such precept the sum or sums of money therein required to be paid on behalf of any parish, the said Justices assembled as aforesaid may cause to be issued and sent, by post or otherwise, to the overseers of the poor of such parish, or to the petty constable or peace officer, or other person or persons empowered in any place to rate and levy the monies assessed as such county, police or other rate, warrants to collect and pay to the treasurer of the county or place in which such Justices act, within a time to be named and limited in such warrants, the rate or rates charged on such parish or place respectively, together with an addition to such rate or rates in the proportion of 1*s*. to every ten; and such additional sum shall be applied and disposed of in like manner as the county rate; and such overseers of the poor, petty constables, peace officers, or other persons may reimburse themselves, as well for such additional sums as for the original amount of rate or rates, out of the monies which they are respectively empowered to rate and levy for the purpose of such county, police, or other rate, but shall not receive or take from the county rate, or any other rate, any allowance or compensation for their trouble or expenses incurred in collecting, levying, or paying such county, police, or other rate.

III. That if any overseer, petty constable, peace officer, or other person as aforesaid refuse, make default or neglect to pay to the treasurer of the county or place, within the time limited as aforesaid, the sum or sums of money specified in the said warrants, and if the clerk of the peace or treasurer of the county or place make complaint thereof, then any Justice of the Peace of such county or place may by warrant under his hand levy the same by distress and sale of the goods of the offender; and the Justices assembled as aforesaid may pay to any clerk, constable, messenger, or other person who may have been employed in making such complaint, or in obtaining, drawing, or executing such warrant, such reasonable compensation out of the county stock as to the said Justices may seem fit.

IV. That in every case where any parish comprised in any union has, on or before the day on which any precept as aforesaid should be obeyed, contributed money sufficient to enable the guardians of the union to pay any sum or sums required by such precept in respect of such parish, as well as to provide for the immediate relief of the poor of such parish, and to satisfy all other obligations of the said guardians in respect of such parish in force on that day, and where, through the default of any other parish or parishes in the same union in contributing money to such guardians, or through the neglect of such guardians to demand sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of such first-mentioned parish to the use of such other parish or parishes, and are thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is by reason thereof compelled to pay the additional sum of 1*s*. in every ten as hereinbefore provided, in every such case the guardians of the union shall reimburse such first-mentioned parish such additional sum, and all costs incurred by reason of the premises, out of the monies of such other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be in default as aforesaid the said guardians shall charge such additional sum and costs to every such parish, in proportion to the amount of the deficiency of the contribution of each parish respectively on the day on which the said precept should have been obeyed.

V. That in the case of every parish not comprised within any union, and in which the laws for the relief of the poor are not administered by a board of guardians, and in the case of every parish comprised in a union the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised within a union, or in which the laws for the relief of the poor are administered by a board of guardians, of which parish a part only is situated within the limits of the commission of any Justices, for which part no separate rate is levied for the relief of the poor, and in the case of every place not maintaining its own poor, but liable to the payment of county, police, or other rates as aforesaid, the Justices assembled as aforesaid may, so soon as any vacancy occurs in the office of high constable as aforesaid, issue their warrant to the overseers, petty constables, peace officers, or other persons empowered by law to rate and levy county, police, or other rates in such parish, part of a parish, or place, to pay to the county treasurer, or to transmit to him in such manner as the said Justices may from time to time direct, within a time limited in such warrant, the county rate, police rate, or other rate or rates as aforesaid charged on them, without the agency or intervention of any high constable, and such Justices may cause such

warrant to be sent by post or otherwise; and in case the said overseers, petty constable, peace officer, or other person refuse or neglect to pay any such rate within the time limited in such warrant, the same remedy may be had against them as now by law exists against overseers neglecting to pay on the warrant of the high constable.

vi. That whenever precepts or warrants as provided by this Act are to be sent by post, the clerk of the peace shall send every such precept or warrant by post as a registered letter, according to the regulations of the Postmaster General in force for the time being in that behalf; and every precept or warrant delivered or tendered as a registered letter at the address of the person to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the person to whom the same was so delivered or tendered; and if delivered or tendered to the clerk or other like officer acting for any guardians, shall be deemed to have been served on the whole of such guardians; and if delivered or tendered to any one overseer of a parish, shall be deemed to have been served on the whole of the overseers of such parish.

And after reciting that it is expedient to relieve high constables from the duty of serving notices of the holding of special sessions on the Justices of the Peace of the division of special sessions personally:—

It is Enacted,

vii. That from and after the passing of this Act, in all cases in which special sessions are required to be holden for any division of any county or place, if notice of the intended holding of such special sessions be signed by any one Justice of the Peace usually acting within such division, and if a copy of such notice be sent by post a reasonable time before the day on which such sessions are to be holden, addressed to each Justice of the Peace resident and usually acting within such division at his residence in such division, such notice shall be deemed to have been duly given to or served on each such Justice of the Peace, any law or custom to the contrary notwithstanding.

And after reciting that it is expedient to relieve high constables, in certain cases, from the duty of attending at the Court of Quarter Sessions:—

It is Enacted,

viii. That where high constables have heretofore been usually appointed at courts of quarter sessions the high constables of such places shall hereafter be appointed by such Justices as may be present at the special sessions of their division held for the purpose of hearing appeals against the rates of the several parishes in such division, or at any adjournment thereof, but if the hundred or other like division of the county for which any high constable is to be appointed be not included within the limits of any one division of the county for which such special sessions are held, then the Justices of the Peace for the county assembled at general or quarter sessions, or any adjournment thereof, may from time to time determine the division of the special sessions at which such high constable is to be appointed, and shall cause notice of such determination to be sent by post, or otherwise, to the high constable for the time being of such hundred or other like division; and every high constable, whether appointed at a special sessions, or at an adjournment thereof, or at a court leet, or any other special court, shall, if present at the time of his being appointed, then and there take his oath for the due execution of his office, and if otherwise, he shall forthwith, on the receipt of his appointment, go before the next or some other Justice of the Peace for the county in which he resides, and then and there take his said oath of office, and he shall not, in virtue of his office of high constable, be required to take any other oath than the said oath for the due execution of his office.

ix. That in the construction of this Act the word "Parish" shall be construed to include any township, vill, or place maintaining its own poor, whether parochial or extra-parochial, or any part of a parish, township, vill, or other place for which a separate poor rate may be made; the word "Union" shall be construed to mean and include any number of parishes united under the Act, 5 Will. 4. "for the Amendment and better Administration of the Laws relating to the Poor in England," or under an Act, 22 Geo. 3, "for the better Relief and Employment of the Poor," or under any local Act; and the word "Guardians" shall mean and include any board of guardians acting under the provisions of the said Act, 5 Will. 4. and empowered to relieve the poor of any parish or union, and the visitors, guardians, directors, managers, acting guardians, vestrymen, or other officers in a union appointed to act in the ordering or relief of the poor from the poor rate under any general or local Act of Parliament; and the word "Hundred" shall mean and include any hundred, wapentake, ward, or other district in the nature of a hundred, by whatever name denominated.

SCHEDULE to which this Act refers.

Form of Precept.

County of _____ } To the Guardians of the _____ Union.
to wit. _____

THESE are to require you, the Guardians of the _____ Union, from and out of the Monies paid into the Hands of the Treasurer of your Union for the Uses and Purposes of the said Union, to pay or cause to be paid, on or before the _____ day of _____ into the Hands of A.B., Treasurer of the said County, appointed to receive the same, the Sum of _____ being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the Names of the several Parishes, Townships, or Places comprised within your said Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the general County Rate, at _____ in the Pound, made at the last Quarter Sessions [or General Sessions] of the Peace held at _____ in and for the said County [and towards a Police Rate, at _____ in the Pound, made at the same Time and Place.]

[Signature of the Clerk of the Peace.]

NAME OF PARISHES.	County Rate, at in the Pound.			Police Rate, at in the Pound.		
	£.	s.	d.	£.	s.	d.

CAP. XXXIV.

AN ACT to amend and continue until the First Day of *September* One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in *Scotland*.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Last-recited Act repealed.*
2. *Part of first-recited Act repealed.*
3. *Sheriffs of Edinburgh and Perth to be members of the General Board.*
4. *General Board empowered to classify prisoners.*
5. *General Board may issue declarations as to the general prison being open for reception of prisoners of certain descriptions.*
6. *None but such prisoners to be sent to the general prison.*
7. *Prisoners for a year may be sentenced to another prison.*
8. *General Board may remove prisoners from the general prison to the local prison from which they have been removed.*
9. *Removals by prison officers.*
10. *Return of sentences of imprisonment to be transmitted to the General Board.*
11. *Sheriffs may authorize the removal of sick prisoners.*
12. *Certain provisions in first-recited Act extended to insane or lunatic prisoners.*
13. *Sheriffs may dispose of applications for aliment and liberation of civil prisoners.*
14. *Penalty for introducing prohibited articles into prisons.*
15. *Orkney and Zetland separate counties for the purposes of prisons.*
16. *Union of counties.*
17. *Meetings of county prison boards.—Vacancies may be supplied in county boards.*
18. *County boards may dismiss officers, and establish a retiring fund.*
19. *County boards may hold property, &c.*
20. *County boards may give up parts of prison grounds or buildings for court rooms.*
21. *Table of assessment on population and crime may be altered and last census used.*
22. *Power to reduce estimate of population in burghs.*
23. *Burghs may consent to additional assessment at other meetings than in April.*
24. *General Board may apportion additional assessment consented to by three-fourths.*
25. *County boards may determine current expenses at other meetings than in September.*
26. *Prolongation of time for repayment of additional assessments.*
27. *New valuations to be made when deemed necessary by Commissioners of Supply.*
28. *Property under 2l. may be exempted from annual assessment.*
29. *Interpretation of "property" in burghs.*
30. *Further continuance of 2 & 3 Vict. c. 42.*
31. *Assessment for raising 20,000l. not to exceed 1,200l. in any one year.*
32. *This Act to be in force for same time and to be construed with former Act.*
33. *Act may be amended or repealed.*

By this Act,

After reciting the passing of 2 & 3 Vict. c. 42, and 5 & 6 Vict. c. 67: And that it is expedient to make further provision for the improvement of prisons and prison discipline in *Scotland*:—

It is Enacted,

- i. That from and after the commencement of this Act the last-recited Act shall be repealed.
- ii. That so much of the first-recited Act as provides that all the expenses of the General Board of Directors of Prisons in Scotland (excepting the salary of the secretary) shall be defrayed by assessment upon the counties of Scotland, and burghs situated therein, shall from and after the commencement of this Act be repealed.
- iii. That after the present sheriffs of the counties of Edinburgh and Perth (who have been appointed members of the General Board of Directors of Prisons in Scotland by Her Majesty) shall respectively cease to hold their said offices, the sheriff of the county of Edinburgh for the time being and the sheriff of the county of Perth for the time being shall be members of the said general board, in addition to those named or referred to in the first-recited Act; and that of the fourteen persons other than those referred to by their official titles in the first-recited Act, whom Her Majesty is empowered to appoint, as members of the said general board, three only shall necessarily be persons holding or who shall have held the office of sheriff depute, instead of five, as required by the first-recited Act.

And after reciting that doubts exist as to the classification of certain classes of prisoners, as civil or criminal prisoners, and as to the classification and modification of the discipline and treatment of criminal prisoners, under the provisions of the first recited Act, and it is expedient that such doubts be removed:—

It is Enacted,

- iv. That from and after the passing of this Act it shall be in the power of the said general board from time to time to direct the classification of all prisoners as civil or criminal prisoners, in so far as may regard their discipline and treatment in prison, and to direct the classification of criminal prisoners with reference to age, strength, conduct, or other circumstances, and to modify the discipline and treatment in regard to separation or otherwise of any such prisoners or classes of prisoners: Provided always, that a copy of the regulations of the General Board for these purposes shall be transmitted to one of Her Majesty's Principal Secretaries of State, who shall have power to rescind or amend the same in such manner as to him shall seem fit.
- v. That it shall be lawful for the said general board from time to time, by any writing under the hands of five or more of them, which shall be published in the *Edinburgh Gazette*, and in such other manner as they shall think proper, to make regulations for specifying what description of prisoners shall be received into the said general prison, having regard therein to the principle, so far as the same shall be compatible with the discipline and due management of the said general prison, that all other things being the same, those prisoners whose sentences of imprisonment have the longest time to run shall be preferably received into the prison, and that no prisoner shall be received therein the expiration of whose sentence shall occur within six months from the date of his being so received, and to order and cause to be removed to the said general prison all or any prisoners falling within the description specified in such regulations, but so as in no ways to overcrowd the said general prison: Provided always, that a copy of all such regulations shall be transmitted to one of Her Majesty's Principal Secretaries of State, who shall have power to rescind or amend the same in such manner as to him shall seem fit.
- vi. That while any such regulations shall be in force it shall not be lawful for any criminal court to insert in any sentence of imprisonment an order that any prisoner not within such specification shall be conveyed to or confined in the said general prison, or to order such prisoner to be conveyed to or confined in the said general prison; and any sentence containing any such order shall be effectual only to the extent of authorizing the confinement of the prisoner in the prison in which he would have been legally confined if no such order had been inserted in the sentence of imprisonment.
- vii. That nothing contained in the first-recited Act or this Act shall be taken to preclude any criminal court of competent jurisdiction from sentencing to imprisonment for one year or upwards, in any lawful prison other than the said general prison, any prisoner for whose crime such imprisonment shall be a suitable punishment, and who, according to the regulations of the said General Board, cannot be at that time received into the said general prison.
- viii. That it shall be lawful for the said general board, at any time or times when they may deem it necessary for the proper accommodation of prisoners in the said general prison, to order and cause to be removed from the said general prison to the several local prisons from which they may have been removed such number of prisoners as to the said general board shall appear to be expedient; and such removal shall be made under similar regulations and conducted in the same manner in which the removal of prisoners before the expiration of their sentences from the said general prison to the prison nearest their residence, or in the county where their crimes may have been committed, is by the first-recited Act directed to be made.
- ix. And it is declared and enacted, That all removals of prisoners made by order of the said general board, and also by order of any criminal court, directing any prisoner to be conveyed from the said general prison to any local prison, or from any local prison to the said general prison, or from any one prison to any other prison, may be carried into effect by means of prison officers, or by means of constables or other criminal officers.
- x. That when any criminal shall have been sentenced to imprisonment for any period not less than six months, the clerk of the High Court of Justiciary, if such sentence shall have been pronounced by the said high court, or the clerk of the Circuit Court of Justiciary if such sentence shall have been pronounced by the Circuit Court of Justiciary, or the sheriff clerk of the sheriffdom, if such sentence shall have been pronounced by the Sheriff Court, shall, within eight days after such sentence shall have been pronounced, make a return thereof to the secretary of the General Board of Directors of Prisons in Scotland, which return shall be in the form of the Schedule hereto annexed.
- xi. That sheriffs within their respective sheriffdoms shall have power, upon summary application by the prison board of the county, accompanied by proper and satisfactory medical certificates, to authorize the removal of any civil prisoner or any criminal prisoner undergoing sentence of imprisonment who may be afflicted with any contagious or infectious disease, or any

disease which threatens immediate danger to life, and cannot be treated in prison, from any prison within the county to any hospital or other proper place within the same, or to any hospital near the same, for such period and under such precautions for the safe and proper custody of the prisoner, and of his re-imprisonment, as they may direct.

XII. That the provisions made in the first-recited Act relative to the proper custody, treatment, and maintenance of certain insane or lunatic prisoners in a lunatic asylum or otherwise, and the reservation of all competent right of relief of the expenses thereby incurred, shall be extended to all insane or lunatic prisoners; and the provisions made in the first-recited Act and this Act relative to the removal of such prisoners to a lunatic asylum may be carried into effect either by the said general board, or by any county prison board acting under the authority of the said general board; and the said general board shall also have power to order and cause to be removed to the general prison any insane or lunatic prisoners from any lunatic asylum in which they may have been or may be placed under the provisions of the first-recited Act or this Act, or from any local prison: Provided always, that the insanity or lunacy of every such prisoner, if not previously ascertained in a court of law, shall be certified by the certificates on soul and conscience of two or more medical men, being physicians or surgeons, who have personally visited and carefully examined the prisoner.

XIII. And it is declared and enacted, That sheriffs within their respective sheriffdoms shall have the like powers and jurisdictions as have been possessed by magistrates of royal burghs, within their respective burghs, with respect to applications and proceedings for aliment and for liberation of civil prisoners.

XIV. That if any person shall carry or bring, or attempt or endeavour, by throwing over the walls or any other means, to introduce into any prison in Scotland any letters, tobacco, spirits, or other articles not allowed by the rules of such prison, it shall be lawful for any person to apprehend such offender, and to carry him or her before the sheriff or the sheriff substitute of the county, or any two Justices of the Peace of the county, who are hereby empowered to hear and determine such offence in a summary way; and if the person complained of shall be lawfully convicted of such offence, the sheriff, sheriff substitute, or Justices shall forthwith commit such offender to the common gaol or house of correction, there to be kept, with or without hard labour, for any time not exceeding one calendar month, unless such offender shall immediately pay down such sum of money, not exceeding £4. nor less than 40s., as such sheriff, sheriff substitute, or Justices shall impose; and such fine shall be applied towards the expense of such prosecution, and the surplus, if any, towards the maintenance of such prison.

XV. That Orkney and Zetland, with their respective dependencies, shall be taken to be separate counties for the purposes of the first-recited Act and this Act; and the said general board shall be empowered to make such division of the assessments imposed under the first-recited Act on the said county, and of the scale of proportions of assessment falling on Orkney and Zetland, and of the number of members of the county prison board thereof, and to adopt such other measures as they shall deem just and necessary to carry this enactment into effect; and that the property belonging to the crown in Orkney shall be assessed in like manner as the property belonging to other proprietors in the landward part of the said county is assessed for the purposes of the said first-recited Act and this Act.

XVI. That resolutions to form unions, for the purpose of erecting and maintaining local prisons for the joint use of two or more counties, may be entered into by the commissioners of supply of such counties and the magistrates of the burghs in the said counties, either at their respective meetings to elect members of their several county boards in April annually, or at any other meeting between the day of the annual meeting and the 30th of November in any year; and any such resolutions may be carried into effect by such committees as may be agreed upon; and in any case where it shall appear to the general board to be proper, such unions may be formed for the purpose of erecting and maintaining a prison for the custody of all kinds of prisoners; and when any such union shall be formed it shall be lawful for the sheriffs and other magistrates of the counties forming the same to exercise the same jurisdiction with respect to such common prison, and the removal of prisoners to and from the same, as if it were locally situated within the limits of their respective jurisdictions.

XVII. That the first meeting of any county prison board after the annual appointment of members may, instead of being held on the third Wednesday of May, as provided by the first-recited Act, be held on the day on which the meeting of commissioners of supply of such county, usually holden on the 30th of April in each year, is held, provided that notice of such meeting of such county board shall have been given according to the provisions of the said first-recited Act, and such meeting may be adjourned to a future day, if necessary; and at such first meeting the sheriff of such county, or in his absence the sheriff substitute acting at the place where the meeting is held, shall preside until a chairman and convenor shall be elected, and in case of equality of votes previous to such election shall have a double or casting vote; and the said commissioners of supply, and the magistrates and councils of burghs authorized to appoint members of county boards, shall severally have power from time to time to supply any vacancies which may occur in their appointment of persons to form a county board; and it shall be lawful to county boards from time to time to supply any vacancy which may occur in the office of their chairman and convenor; and it shall not be held to invalidate the acts of any county board that any commissioners of supply or magistrates of burghs have failed duly to appoint the several numbers of persons authorized to be appointed by them as members of county boards, but that each county board may act if three members thereof shall assemble: Provided always, that in case of failure as aforesaid, the general board may authorize such commissioners of supply or magistrates to do what may seem to the general board to be expedient for the due execution of the purposes of the first-recited Act and this Act.

XVIII. That the county prison boards shall have the power of dismissing at pleasure all officers of prisons and other persons appointed by them, and shall also have power, subject to the approval of the general board, to make rules for settling apart a portion of the salaries or wages of their officers towards establishing a fund for granting allowances to discharged or retired officers.

XIX. And it is declared and enacted, That the several county prison boards may acquire and hold heritable and moveable property, monies, goods, and effects; and all titles, securities, and investments, and evidences taken for the same, may be taken to the said boards by the name and description of the prison board of the county wherein the same shall be established, without further description; and all such property, monies, goods, and effects which shall have been or may be so taken and vested shall be deemed to be held for the use of such boards for the time being, and shall pass and be transmitted to such boards for the time being, without the necessity of any conveyance or assignment from one board to another; and the said county prison boards may also, for all purposes of civil or criminal action or diligence, or reference or arbitration, institute, defend, or enter into civil or criminal proceedings in the name of such board or of their clerk for the time being; and no such proceedings shall discontinue or abate by any vacancy in any of the said offices, but may be proceeded in to all intents and purposes in the name of the board or clerk for the time being; and no judge or sheriff or sheriff substitute shall be disqualified from acting as such in any such civil or criminal proceedings by reason of being a member of such board.

XX. That it shall be lawful for county prison boards, with the approbation of the said general board, to give up or dispose of any part of the ground or buildings belonging to them which may not be required for their prisons, for the purpose of providing accommodation for courts of justice.

XXI. That it shall be lawful for the said general board to alter, as they shall think just, the scale of proportions of assessment on the several counties, for the purpose of converting the buildings at Perth into a general prison, and of furnishing and completing the same, framed by them in terms of the first-recited Act, according to a combined estimate of the amount of population and crime in such counties, and from time to time frame a new scale or scales of proportions of the said assessment on similar principles, having regard to the then last general account of the population taken by authority of Parliament, and the more recent materials for estimating crime; and also to apportion and divide the whole sums to be assessed upon each county, including the burghs therein, in pursuance of the first-recited Act and this Act, according to the relative population of such burghs, and the landward part of such counties respectively, as determined by such general account of the population, or by any agreements made in pursuance of the first-recited Act or this Act.

XXII. That it shall be in the power of the commissioners of supply of each county, or of each county prison board, with the approbation in the latter case of the general board, to agree that the estimate of the population of any burgh within such county shall, for the purposes of assessment under the first-recited Act and this Act, be diminished by deducting therefrom such amount as to the said commissioners of supply or county prison board may seem expedient; and in case of any such agreement being made by the commissioners of supply, the amount so deducted from the estimate of the population of any burgh shall be added, for the purposes aforesaid, to the estimate of the population of the landward part of such county.

XXIII. That the magistrates and town councils of burghs authorized to choose members of county prison boards may consent to an additional assessment, for building, altering, and repairing local prisons, either at their annual meeting in April for the purpose of choosing such members, or at any meeting to be holden between the annual meeting and the 30th of November in any year.

XXIV. That in case any additional assessment for building, altering, and repairing local prisons in any county shall be consented to by the commissioners of supply of such county on behalf of the landward part thereof, or by the magistrates and town councils of burghs situated therein entitled to choose members of the county prison board on behalf of their respective burghs, and it shall appear that the persons on whose behalf such consent has been given shall have contributed or been liable to contribute not less than three-fourths of the assessments imposed on such several counties and burghs situated therein under the first-recited Act and this Act in the preceding year, it shall be in the power of the said general board, if they shall think fit, to apportion and divide such additional assessment so consented to on behalf of the persons contributing three-fourths of the assessments as aforesaid, in like manner, and as effectually, to all intents and purposes, as if the same had been duly consented to by the commissioners of supply of such county and the magistrates and town councils of all the burghs situated therein entitled to choose members of the county prison boards.

XXV. That county prison boards may from year to year fix the amount of assessment upon the several counties and burghs situated therein, to defray the expense of removing prisoners from one local prison to another, the expense of the aliment of prisoners in the county prison, and generally the current expenses of such prisons, at any meeting to be held for that purpose in the month of April or of May annually, if they shall think proper so to do, instead of in the month of September annually, as required by the first-recited Act.

XXVI. That in every case in which an additional assessment for building, altering, or repairing local prisons in any county shall have been consented to and assessed under the provisions of the first-recited Act, it shall be competent for the commissioners of supply of such county and the magistrates of the several burghs therein entitled to choose members of county boards, with consent of the said general board, to alter the distribution of such assessment, so as to distribute the same over a greater number of years, but not exceeding those which may have to elapse before the expiration of the first-recited Act as extended by this Act; and in every case in which an additional assessment for building, altering, or repairing local prisons shall be consented to under the provisions of the first-recited Act and this Act, it shall be competent for the said general board, with concurrence of the parties consenting to such assessment, to distribute the same over any number of years that shall be agreed upon, not exceeding those which may have to elapse before the expiration of the first-recited Act as extended by this Act.

And after reciting that by the first-recited Act power was given to the commissioners of supply of any county to assess the sums annually apportioned on the landward part of such county, according to the real annual value of the whole lands and other subjects there specified, or in any other manner in use in such county, for any general assessment therein for any public purpose, and it was provided that any valuation required to be made in order to such assessment should from time to time, at intervals of not less than three years, be made by and under the direction and at the expense of such commissioners: And that such frequent re-valuations of whole counties will be attended with much expense, and may be unnecessary:—

It is Enacted,

XXVII. That in future it shall not be compulsory on the commissioners of supply to make fresh valuations at intervals of not less than three years, but that the commissioners of supply shall at intervals of not less than three years take into consideration the valuation then last made, and any objections that may be stated thereto, and it shall be competent for the said commissioners of supply, at such intervals, and as often as they shall deem necessary, to cause a new valuation to be made, either of the whole county or of any part or parts thereof, or to cause the last valuation to be corrected in any particulars in which it be found to be erroneous or defective.

XXVIII. That it shall be lawful for the commissioners of supply of any county to exempt from the annual assessment to be levied from the landward part of such county all and every property the annual value of which shall not exceed 2*l.* sterling, provided the proprietor of such property shall not be possessed of property exceeding the annual value of 2*l.* in the whole within the landward part of such county liable to be assessed for such annual assessment.

And after reciting that doubts are entertained as to the interpretation of the expression "Property" in burghs, in the construction of the first-recited Act;—

It is Enacted,

XXIX. That in the construction of the said Act "property" in burghs shall extend to and include houses, shops, warehouses, mills, manufactories, cellars, canals, railways, gardens, yards, and all lands, buildings, and pertinents thereof.

XXX. That the first-recited Act as amended by this Act shall continue in force until the 1st of January 1861, and from thence to the end of the then next session of Parliament.

XXXI. Provided and enacted, That the assessment not exceeding 2,000*l.* in any one year, for the purpose of raising the sum of 20,000*l.* mentioned in the said first-recited Act to be paid by the different counties of Scotland and burghs situated therein, shall not, from and after the determination of the assessment made for the current year, exceed the sum of 1,200*l.* in any succeeding year during the continuance of the said Act as extended by this Act.

XXXII. That this Act shall commence on the 1st of September 1844, except in so far as herein otherwise directed, and shall continue in force for the period during which the first-recited Act as amended by this Act shall be in force, and shall be taken to be part thereof, and be construed in like manner therewith, and shall be held to alter or repeal the same in so far as the same is at variance or inconsistent with the provisions of this Act: Provided always, that all assessments which shall have been made, or which according to the provisions of the said recited Act should have been made, before the said 1st of September 1844, shall be levied and applied in the manner and for the purposes by the said Act directed.

XXXIII. That this Act may be amended or repealed by any Act to be passed during this session of Parliament.

SCHEDULE.

Name.	Sex.	Age.	Occupation.	Married or Unmarried.	Offence.	County where Offence committed.	Date of Offence.	No. of previous Convictions, and from what Courts.	Sentence.	Date of Sentence.

CAP. XXXV.

AN ACT to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-five the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

(19th July 1844.)

By this Act,

- I. The general and subdivision meetings relating to the militia are suspended.
- II. Proceedings may be had during such suspension by Order in Council.
- III. Act to extend to wardens of stannaries and to corps of miners.
- IV. Act may be amended this session.

CAP. XXXVI.—IRELAND.

AN ACT to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*.

(19th July 1844.)

By this Act,

- I. The several Acts for making or repairing turnpike roads in Ireland are further continued.
- II. Local Turnpike Act, 3 Geo. 4. c. cviii. not continued by this Act, except so far as the said Act repeals any former Act.

CAP. XXXVII.

AN ACT to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *The terms and conditions upon which Parliamentary aid has been given towards the building of schools secured upon the site.*
2. *The terms upon which aid shall be granted to trustees of ancient endowed schools.*
3. *Death of donor within twelve calendar months not to avoid grant.*
4. *Site may be granted to the minister and churchwardens.*
5. *Rector, vicar, or perpetual curate may grant to the minister and churchwardens, or to the minister, churchwardens, and overseers of his parish.*
6. *Act may be altered this session.*

By this Act,

After reciting that during several years last past divers sums of money have been granted by Parliament to Her Majesty, to be applied for the purpose of promoting the education of the poor in Great Britain, and similar grants may hereafter be made; And that Her Majesty hath appointed a committee of her Council to receive applications for assistance from such grants, and to report thereon, and to advise her as to the terms and conditions upon which such assistance shall be granted, and many such reports have been made, and approved of by Her Majesty, and the terms and conditions have been assented to by the applicants, grants have been made out of the said fund: And that in some cases, by reason of the deeds of endowment of schools in respect of which such applications have been received having been executed before the grant has been made, such terms and conditions have not and cannot be made permanently binding on the estate; but the parties promoting the said schools have entered into personal obligations or assurances for the due performance of such terms and conditions, though

deriving no beneficial interest from the charitable institution which they have established; and it is desirable to provide permanent security to Her Majesty and her successors for the due fulfilment of the terms and conditions, and to relieve the parties from the personal liabilities so entered into for the purpose aforesaid:—

It is Enacted,

I. That where any grant hath been made or shall hereafter be made out of any sums of money heretofore granted or hereafter to be granted by Parliament for the purposes of education in Great Britain, under the advice of any committee of the Council on Education for the time being, upon terms and conditions to provide for the inspection of the school by an inspector appointed or to be appointed by Her Majesty and her successors, which shall not be inserted in the conveyance of the site of the school, or in the deed declaring the trusts thereof, and such grant shall be made in aid of the purchase of the site, or of the erection, enlargement, or repair of the school, or of the residence of the master or mistress thereof, or of the furnishing of the school, such terms and conditions shall be binding and obligatory upon the trustees or managers of the said school or other the premises for the time being, in like manner and to the like effect as though they had been inserted in the conveyance of the site of the said school, or in the declaration of the trusts thereof; and henceforth all personal obligations entered into for the purpose of securing the fulfilment of such terms and conditions shall, so far as they relate thereto, but no further, be null and void: Provided, nevertheless, that such terms and conditions shall have been or shall be set forth in some document in writing, signed by the trustees of the said school or the major part of them, or by the party or parties conveying the site, in the case where there shall have been a voluntary gift thereof.

And after reciting that there are many endowments for the purpose of education of the poor in Great Britain of ancient date, the schools whereon have become dilapidated, and, the funds of such endowment being insufficient for the restoration thereof, application is made by the trustees, or by the persons acting in the discharge of the trusts thereof, for aid out of the said Parliamentary grant, but the same hath been declined, because such applicants could not impose upon their lawful successors in the said trust the conditions which the said committee would have advised Her Majesty to require to secure the due inspection of such schools, and it is expedient to enable them to do so:—

It is Enacted,

II. That where the major part of the trustees of any endowed school for the education of the poor duly appointed under the terms of the deed of endowment, or, when such deed cannot be found or cannot be acted upon, of the persons who shall be in the possession of the endowment, and shall be acting in the execution of the trusts or the reputed trusts thereof, shall, and in cases where there shall be a visitor of such school with the consent of such visitor in writing, apply for aid out of such Parliamentary grant to enable them to rebuild, repair, or enlarge the school belonging to such endowment, or the residence of the master or mistress thereof, or to furnish such school, and shall in writing assent to the said school being open to inspection on behalf of Her Majesty and her successors, if the said committee shall deem fit to advise that any such grant shall be made, it shall immediately after the making of such grant, and thenceforth from time to time, be lawful for any inspector of schools appointed by Her Majesty and her successors, in conformity with the terms contained in the writing testifying such consent as aforesaid, to enter the said school at all reasonable hours in the day for the purpose of inspecting and examining the state and condition of the school and the scholars thereat, and of making such report thereon as he shall deem fit.

And after reciting that by an Act of 5 Victoria, intituled, 'An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools,' it is enacted, that any person, being seised in fee simple, fee tail, or for life of and in any manor, or lands of freehold, copyhold, or customary tenure, may grant, convey, or enfranchise, and subject to the provisions therein mentioned, any quantity not exceeding one acre of land as a site for a school or otherwise, as therein likewise specified; and it is desirable to prevent any such grant, being of so limited an interest, from being defeated by the death of the grantor:—

It is Enacted,

III. That where any deed shall have been or shall be executed under the powers and for the purposes contained in the said Act, without any valuable consideration, the same shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof.

And after reciting that it was provided by the said Act that grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, might be made to the minister of any parish, being a corporation, and the churchwardens or chapelwardens and overseers of the poor and their successors, and it is sometimes found inexpedient or impracticable to introduce the overseers as parties to the legal estate:—

It is Enacted,

IV. That such grants may be made to the minister and churchwardens of any parish, such minister being the rector, vicar, or perpetual curate thereof, whether endowed or not, to hold to them and their successors, subject to the provisions contained in the deed of conveyance thereof for the management, direction, and inspection of the school and premises.

V. That if the rector, vicar, or perpetual curate of any parish shall be desirous of making a grant of any land for the purposes and under the powers of the said Act, being part of the glebe or other possessions of his benefice, and shall, with the consent of the patron of the said benefice, and of the bishop of the diocese within which the same shall be situated, grant the same to the minister and church or chapel wardens, or to the minister, church or chapel wardens, and overseers of the poor of the said parish, such grant shall be valid, and shall thenceforth enure for the purposes of the trust set forth therein, if otherwise lawful, notwithstanding such minister is the party making the grant.

VI. That this Act may be altered by any other Act in this session of Parliament.

CAP. XXXVIII.—IRELAND.

AN ACT to amend an Act of the last Session, to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recovery of amounts due to loan societies on notes or securities.*
2. *Application of the enactments, &c. of the recited Act to the Irish Reproductive Loan Fund Institution.*
3. *Act may be amended this session.*

By this Act,

After reciting the passing of 6 & 7 Vict. c. 91, intituled, 'An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland:' And that the provisions of the said recited Act relative to the recovery of loans in a summary manner before a Justice or Justices of the Peace do not extend to loans secured by notes or securities taken by loan societies, in conformity with the laws applicable thereto, previous to the rules of such societies being certified under the said recited Act; and it is expedient that the said provisions of the said recited Act should be extended to all such notes and securities:—

It is Enacted,

1. That it shall and may be lawful for the treasurer, secretary, or clerk of any loan society in Ireland, whose rules have been duly certified under the said recited Act, to recover in a summary way, before one or more of Her Majesty's Justices of the Peace in Ireland, in the manner prescribed by the said recited Act, the amount due upon any note or security made or entered into prior to the date of the certificate of the secretary of the Loan Fund Board entitling such society to the benefit of the said recited Act, and in conformity with the laws applicable to such note or security at the time of making the same, although such note or security be not in the form or on the paper provided by the Loan Fund Board; and all and every the remedies and provisions in the said recited Act contained for or relating to the recovery and enforcing payment of notes and securities made under the authority of the said Act, and of fines and costs incurred in relation to the same, shall extend to and be applied to the recovery and enforcing payment of all and every such notes and securities so made and entered into in conformity to the laws in force, and applicable thereto as aforesaid, prior to the date of such certificate, and of all fines and costs incurred or to be incurred in relation thereto.

And after reciting that by the said recited Act it was provided, that nothing therein contained should extend or be construed or taken to authorize any interference on the part of the said Loan Fund Board, or the secretary or officers thereof, in the affairs of the London Charitable Association, commonly called "The Irish Reproductive Loan Fund Institution," or of any trustees or agents thereof, or of any institution or society in Ireland which was or should be established in connexion with the said Irish Reproductive Loan Fund Institution; and various provisions were in the said Act contained in reference to the said Irish Reproductive Loan Fund Institution: And that subsequently to the passing of the said Act the said Institution has been incorporated by Her Majesty's letters patent, under the name of "The Irish Reproductive Loan Fund Institution," and it may be doubted whether the provisions in the said Act contained apply to the said incorporated society:—

It is Enacted,

II. That all and singular the enactments, provisions, stipulations, and exemptions in the said recited Act contained in reference to the said charitable association, and the secretary, trustees, agents, or officers thereof, and the institutions or societies of persons instituted or associated together in Ireland by or in connexion therewith, and the monies, implements, goods, and effects of the said association, shall extend and be applicable to the said corporation of the Irish Reproductive Loan Fund Institution, and the secretary, trustees, agents, and officers thereof, and the institutions or societies of persons which now are or hereafter may be instituted or associated together in Ireland by or in connexion therewith, and the monies, implements, goods, and effects of the said corporation, and that as fully and effectually to all intents and purposes as if the same were here fully and at length repeated, and the name of the said incorporated society were substituted for the name of the said charitable association: Provided always, that in lieu of the lists, descriptions, specifications, notices, and certificates, required by the said Act to be under the hand and seal of the chairman, and countersigned by the secretary or manager of the said charitable association, it shall be sufficient that such lists, descriptions, specifications, notices, and certificates shall be sealed with the corporate seal of the said incorporated society; and all such lists, descriptions, specifications, notices, and certificates, so sealed with such corporate seal, shall have the same force and effect in all respects as is by the said Act given to lists, descriptions, specifications, notices, and certificates under the hand and seal of the chairman, and countersigned by the secretary or manager of the said charitable association; and such certificate, so sealed with the said corporate seal, shall be evidence, before all Judges and Justices, and in all courts, of the facts therein certified, without further proof thereof, and it shall not be necessary to prove the sealing of such certificates: Provided also, that in all cases where lists, descriptions, or specifications shall have been sent by the said Irish Reproductive Loan Fund Institution, under the provisions of the said recited Act, to the secretary of the Loan Fund Board in Dublin, of any trustees or agents of the said society, authorized to act in relation to the affairs of the said institution in Ireland, or of any loan societies in connexion therewith, it shall not be necessary for the said incorporated society to send any further or additional lists, descriptions, or specifications thereof.

III. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XXXIX.

AN ACT to exempt from the Payment of Property Tax the Dividends on certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* payable for the Quarter of the Year ending the Tenth Day of October One thousand eight hundred and forty-four.

(19th July 1844.)

ABSTRACT OF THE ENACTMENT.

1. *No deduction for Property Tax shall be made on dividends payable on 10th October 1844.*

By this Act,

After reciting that by 7 Vict. c. 5, it is provided, that every proprietor or proprietors of the said 3*l.* 10*s.* per centum annuities the dividends and interest on which are payable the 5th of January and the 5th of July shall receive the dividend due thereupon for the half year up to the 5th of July 1844, and shall also receive one quarter's dividend thereon up to the 10th of October 1844, and no longer: And that the Property Tax payable under the authority of 5 & 6 Vict. c. 35, on such 3*l.* 10*s.* per centum annuities, was assessed and paid on the half year's dividend and interest on the same which became payable on the 5th of July 1842; and if no change in the period of payment of the half yearly dividends and interest on the said annuities had taken place the sixth half-yearly dividend on the same would have become payable on the 5th of January 1845, but which sixth half-yearly dividend will, under the provisions of the above-recited Act, become payable on the annuities of 3*l.* 5*s.* per centum per annum granted in lieu thereof on the 5th of April 1845; it is deemed just and fitting to exempt from the assessment and payment of Property Tax the quarter's dividend on the said 3*l.* 10*s.* per centum per annum annuities which will be payable on the 10th of October 1844, provided the party or parties holding the said 3*l.* 10*s.* per centum annuities shall not have notified or shall not notify, within the periods prescribed by the Act, their dissent to the conversion of the said annuities into 3*l.* 5*s.* per centum annuities:—

It is Enacted,

That no assessment or deduction for Property Tax shall be made at the Bank of England, or at the Bank of Ireland, on the payment of the quarter's dividend which will become due and payable on the 10th of October 1844, on the said 3*l.* 10*s.* per centum annuities, under the provisions of the before-recited Act passed in the present session of Parliament, intituled 'An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and new Three Pounds per Centum Annuities,' to such party or parties holding the same as shall not have notified or shall not notify, within the periods prescribed by the said Act, their dissent to the conversion of such 3*l.* 10*s.* per centum annuities into 3*l.* 5*s.* per centum annuities: Provided always, that in case the said quarter's dividend payable on the 10th of October 1844 shall have been paid, without deduction of Property Tax, on any amount of 3*l.* 10*s.* per centum annuities, the proprietor or proprietors of which shall afterwards signify their dissent to the conversion of the said annuities into 3*l.* 5*s.* per centum annuities, within the period prescribed by the before-recited Act, it shall be lawful to deduct the same amount of Property Tax which would have been deducted if the dissent of the party had been notified previously to the 10th of October 1844 from the amount of principal money to be paid to the proprietor or proprietors of the said 3*l.* 10*s.* per centum annuities, whenever such principal shall be paid to them in consequence of their subsequent dissent.

CAP. XL.

AN ACT to continue until the First Day of October One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

(19th July 1844.)

By this Act,

3 & 4 Vict. c. 89. is continued in force until the 1st of October in the year 1845, and, if Parliament be then sitting, to the end of the then session of Parliament.

CAP. XLI.

AN ACT to continue until the First Day of *August* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Turnpike Acts.

(19th July 1844.)

By this Act,

After reciting the passing of an Act in the last session of Parliament, for continuing until the 1st of August 1844, and to the end of the then next session of Parliament, all the Acts (with certain exceptions) for regulating, making, or repairing turnpike roads in Great Britain which but for the passing of the first-recited Act would have expired on or before the 1st of October last, or at the end of the last session of Parliament: And that it is expedient that certain other Acts for regulating, making, amending, and repairing turnpike roads in Great Britain, which will expire on or before the end of this or the next session of Parliament, should be continued to the same period:—

It is Enacted,

That all the said turnpike Acts which but for this Act would expire on or before the said 1st of August 1844, or the end of the then next session of Parliament, except the Acts excepted in the first-recited Act, shall be continued until the 1st of August 1845, and to the end of the then session of Parliament.

CAP. XLII.

AN ACT to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*.

(19th July 1844.)

By this Act,

3 & 4 Will. 4. c. 40, 7 Will. 4. & 1 Vict. c. 10, and 3 & 4 Vict. c. 27. are continued in force to the 1st of October 1845 and, if Parliament be then sitting, to the end of the then session of Parliament.

CAP. XLIII.

AN ACT to amend the Laws relating to the Customs in the *Isle of Man*.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Duties in table to be levied on goods imported into the *Isle of Man*, except on corn, grain, meal, or flour.
3. Power to the Lords of the Treasury to remit and to re-impose the duties levied on unenumerated articles.—Orders to be published in the *Gazette*, and laid before Parliament.
4. Schedule of licence goods in recited Act repealed.
5. Certain goods importable only under licence.—Lords of the Treasury may permit the importation of additional quantities.
6. Provisions of former Act to continue in force with respect to licences, &c.
7. Corn, grain, meal, and flour may be warehoused in the island.
8. Provisions of the Act 3 & 4 Will. 4. c. 57. to extend to the *Isle of Man* in respect of corn, grain, meal, and flour.
9. Trade between the *Isle of Man* and the United Kingdom to be deemed coastwise, except as to articles liable to duty.
10. 3 & 4 Will. 4. c. 57. s. 44. repealed.
11. Warehoused goods may be removed into the *Isle of Man*, under certain regulations.
12. Act not to affect regulation as to Excise drawbacks.
13. Sugar on which bounty has been allowed may be removed to the *Isle of Man*.
14. Bond to be given not to re-land such sugar.
15. Foreign goods except corn, not to be brought from the *Isle of Man* to the United Kingdom.
16. Sugar and rum, other than that described in the table of duties, prohibited.
17. Goods imported, carried or brought contrary to the Act, to be forfeited.—Forfeiture of vessels.—Penalty.
18. Management of duties.—Duties to be paid into the Exchequer.—Parts of duties may be retained for expenses of the government.

19. *Harbour duties under 54 Geo. 3. c. 43. repealed.*
 20. *Annual sum of 2,300*l.* to be paid from duties under this Act to Harbour Commissioners.*
 21. *Prohibition to import spirits over hydrometer proof repealed.*
 22. *Manx vessels of fifty tons registered burden to be entitled to the privileges of vessels of sixty tons.*
 23. *Act may be amended &c. this session.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 60; and that it is expedient to make certain alterations therein:—

It is Enacted,

1. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for the purposes mentioned therein.

11. That in lieu of all duties of Customs, except the duties of Customs on corn, grain, meal, or flour, now payable by law upon the importation of goods, wares, or merchandise into the Isle of Man, there shall be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, the several duties of Customs as the same are respectively set forth in figures in the table hereinafter contained, denominated "Table of Duties," upon the importation or bringing into the Isle of Man of the several goods, wares, or merchandise in the said table mentioned, according to the quantity or value thereof specified in the said table, and so in proportion for any greater or less quantity or value of the same; (that is to say,)

TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on GOODS, WARES, and MERCHANDISE imported or brought into the ISLE of MAN.

	£.	s.	d.
Coals from the United Kingdom			Free.
Coffee, the Import Duties in the United Kingdom not having been there paid thereon per lb.	0	0	2
Hemp			Free.
Hops from the United Kingdom			Free.
Iron			Free.
Spirits; videlicet, Brandy, Foreign	the Gallon	0	4 6
Geneva, Foreign	the Gallon	0	2 6
Rum of the British Possessions	the Gallon	0	1 6
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.			
Sugar, Muscovado, of the British Possessions, and such other Sugar as if entered for Consumption in the United Kingdom would be subject, under any Act of the present Session of Parliament, to a Duty less than Sixty-three Shillings the Cwt.	the Cwt.	0	1 0
Sugar, Refined, in the United Kingdom, from Raw Sugar whereupon the Import Duties have there been paid	the Cwt.	0	9 0
Tea; videlicet,			
Bohea	the lb.	0	1 0
Green	the lb.	0	1 0
Tobacco	the lb.	0	1 6
Segars	the lb.	0	3 0
Wine	the Tun of 252 Gallons	12	0 0
Wood, Foreign; videlicet,			
Timber, 8 Inches square and upwards, per Load of 50 Cubic Feet		0	8 0
Timber and Wood Goods, the Produce of the British Possessions			Free.
Eau de Cologne, per Flask (30 not containing more than One Gallon)		0	0 4
or Per Gallon		0	10 0
Liqueurs	Per Gallon	0	10 0
Goods, Wares, and Merchandise brought from the United Kingdom, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not hereinbefore enumerated or charged with Duty			Free.
Goods, Wares, and Merchandise, the Growth, Produce, or Manufacture of and brought from the United Kingdom, and not hereinbefore charged with Duty			Free.
Goods, Wares, and Merchandise, not the Growth, Produce, or Manufacture of the United Kingdom, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon			Free.
Goods, Wares, and Merchandise imported or brought from any place from whence such Goods may be lawfully imported into the Isle of Man, and not hereinbefore charged with Duty, or declared to be free of duty, for every One hundred Pounds of the Value thereof		15	0 0

111. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, from time to time, by any order or orders under their hands, to declare that all or any articles legally importable into the Isle of Man, and not enumerated in the said table, and upon which the said duty of 15*l.* for every 100*l.* value is hereby imposed, shall and may, from and after a day to be named in the said order or orders, be imported from the places and in the manner in the said order mentioned into the Isle of Man duty-free, and that such articles shall be imported duty-free accordingly so

long as such order or orders, or any part thereof, affecting such articles, shall continue in force: Provided always, that it shall be lawful for the said Commissioners or any three or more of them, at any time and from time to time as they shall consider expedient, by any further order under their hands, to revoke the whole or any part of such order or orders for admitting the aforesaid articles or any of them into the Isle of Man duty-free, such order or revocation to take effect from a day to be named therein: Provided always, that all orders of the Commissioners of Her Majesty's Treasury made in pursuance of this enactment shall be duly published in the *London* and *Dublin Gazettes* twice at least within fourteen days from the date of such orders respectively, and that a copy of every such order shall be laid before both Houses of Parliament within six weeks after the date of such order, if Parliament be then sitting, and if not, then within six weeks after the commencement of the then next session of Parliament.

And after reciting that it is enacted by the said Act that certain goods enumerated and described in a certain schedule in the said Act, called a Schedule of Licence Goods, shall not be imported into the Isle of Man, nor exported from any place to be carried to the Isle of Man, without the licence of the Commissioners of Customs first obtained, nor in greater quantities in the whole in one year than are mentioned in the said schedule, nor except from the respective places set forth in the said schedule, and according to the rules subjoined to the said schedule:—

It is Enacted,

iv. That so much of the said Act as is hereinbefore recited shall be and the same is hereby repealed.

v. That the several sorts of goods enumerated or described in the Schedule to this Act annexed, denominated "Schedule of Licence Goods," shall not be brought into the Isle of Man, nor laden on board any vessel to be carried from any place to the Isle of Man, without the licence of the Commissioners of Customs first obtained, nor in greater quantities in the whole in any one year than the respective quantities of such goods specified in the said Schedule, and that such goods shall not be so brought into the said Isle of Man except from the respective places set forth in the said Schedule, and according to the rules subjoined thereto: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, from time to time, upon sufficient cause to them appearing, by any order under their hands, to permit the importation into the Isle of Man of such additional quantity of such several sorts of goods or any of them in any one year beyond the quantities named in the said table as they shall in their discretion consider expedient.

vi. That the several enactments and provisions in the said recited Act contained in any way relating to licences and licensed goods, except so far as the same are hereby repealed, shall continue in force and apply to and in respect of all licences to be granted under this Act, and all goods brought into the said island by virtue of licences under this Act, or for the importation of which a licence is by this Act required, in such and the same manner as if such enactments and provisions were repeated in this Act: Provided nevertheless, that any person who, having obtained a licence under this Act, shall not import or bring into the said island the whole quantity of goods permitted to be imported or brought under such licence, during the period for which it shall remain in force, shall be thereby disqualified from receiving a licence in the year next following that in which his previous licence shall have been granted.

And after reciting an Act, 3 & 4 Will. 4. c. 57, intituled 'An Act for the warehousing of Goods:' and that it is expedient to extend the operation of the said Act to the Isle of Man, so far as relates to the privilege of warehousing foreign corn, grain, meal, and flour:—

It is Enacted,

vii. That it shall be lawful for the Commissioners of Her Majesty's Treasury by their warrant from time to time to appoint any port or ports in the Isle of Man to be warehousing ports for the purposes hereinafter declared, and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the authority and directions of the Commissioners of Her Majesty's Treasury, by their order, from time to time to appoint in what warehouses or places of special security or of ordinary security, as the case may require, in such port or ports, and in what different parts or divisions of such warehouses or places, and in what manner, any corn, grain, meal, or flour may and may only be warehoused and kept and secured without payment of any duty upon the first entry thereof, and also in such order to direct in what cases (if any) security by bond shall be required in respect of any warehouse so appointed by them.

viii. That all provisions, powers, regulations, and enactments in the said last-mentioned Act contained shall be construed and taken to extend and be applicable to the Isle of Man, so far as relates to the articles of corn, grain, meal, and flour: Provided always, that whenever in the said last-mentioned Act any notice, order, or appointment is directed to be published in the *London* or *Dublin Gazettes* respectively, it shall be necessary that any such notice, order, or appointment in respect of any warehouse in the Isle of Man shall be published in the *London* and *Dublin Gazettes*.

And after reciting that the trade between the United Kingdom and the Isle of Man is now on the footing of a foreign trade, and is subject to the laws and regulations to which the foreign trade of this kingdom is subject:—

It is Enacted,

ix. That all trade from any port of the United Kingdom to the Isle of Man, or from the Isle of Man to any port to the United Kingdom, shall be deemed to be a coasting trade; and all ships while employed therein shall be deemed to be coasting ships, and shall be subject to all the rules, regulations, penalties, and forfeitures now in force relating to coasting ships; and that the Isle of Man shall not be deemed in law, with reference to any part of the United Kingdom, to be parts beyond the seas, in any matter relating to the trade or navigation or revenue of this realm: Provided nevertheless, that all goods liable to duty under this Act when brought from the United Kingdom into the Isle of Man, and all vessels bringing the same, shall be liable to the same rules and regulations as are required by law in respect of goods imported into the said Isle from foreign parts, and in respect of the vessels bringing the same; and all the penalties and forfeitures inflicted by law for any breach of

the said rules and regulations shall attach upon all goods so brought into the said isle contrary to the said rules and regulations, or any of them, and upon all persons committing any breach of any such rule or regulation; and such penalties and forfeitures shall and may be recovered in the same manner as any penalty or forfeiture may be recovered by any Act relating to the Customs.

And after reciting that by the aforesaid Act for the warehousing of goods it was enacted, that no goods should be exported from the warehouse to the Isle of Man, except such goods as might be imported into the said island with licence of the Commissioners of Her Majesty's Customs, and in virtue of any such licence first obtained: And that it is expedient that such prohibition should be repealed:—

It is Enacted,

x. That so much of the last-mentioned Act as is lastly hereinbefore recited shall be repealed.

xi. That goods warehoused in the United Kingdom may be removed from such warehouses into any port in the Isle of Man, under such security and under such regulations and conditions as are set forth in the said last-mentioned Act with respect to the removal of warehoused goods from one warehousing port to another warehousing port in the United Kingdom, save and except so far as the said last-mentioned regulations apply to the warehousing such goods at their port of destination.

xii. That nothing herein contained shall be deemed or construed to affect the laws and regulations now in force respecting duties and drawbacks of Excise on goods exported or to be exported to the Isle of Man.

xiii. That any sugar upon which any bounty shall have been allowed under any Act relating to the Customs may be removed to the Isle of Man.

xiv. That before any such sugar shall be removed to the Isle of Man the person removing the same shall give bond to Her Majesty, with one sufficient surety, that the same shall be duly landed in the Isle of Man, and shall not be re-landed in any part of the United Kingdom.

xv. That it shall not be lawful to carry any goods, not being of the growth, produce, or manufacture of the Isle of Man or of the United Kingdom, except corn, grain, meal, or flour, in any ship, from the Isle of Man to any port or place in the United Kingdom.

xvi. That it shall not be lawful to import or bring into the Isle of Man any sugar or rum other than that enumerated and described in the table of duties hereinbefore contained.

xvii. That if any goods shall be imported into or exported from the Isle of Man, or shall be carried coastwise from one part of the said isle to another part of the said isle, or from the United Kingdom to the said isle, or from the said isle to the United Kingdom, or shall be water-borne, or brought to any wharf or place with intent to be water-borne, to be so exported or carried, contrary to any of the directions or provisions of this Act, the same, and the packages containing the same, shall be forfeited, together with all ships, vessels, or boats, and all cattle and carriages used or employed therein; and every person offending therein shall forfeit for every such offence the sum of 100*l.*, or the full amount of all duties which would be payable in respect of similar goods the produce of foreign countries if imported into and entered for home consumption in the United Kingdom, at the election of the Commissioners of Customs.

xviii. That the duties of Customs shall be raised, levied, collected, paid, recovered, and accounted for under the authority and direction or under the management and controul of the Commissioners of Her Majesty's Customs; and, except the necessary charges of raising, collecting, levying, recovering, and accounting for the same, the said rates and duties shall from time to time (subject to the deductions hereinafter mentioned) be brought and paid into the receipt of Her Majesty's Exchequer, distinctly and apart from all other branches of the public revenue, and shall go to and make part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that any of the collectors of Customs of the said isle shall retain, and he and they is and are hereby authorized and required, agreeably to such directions as shall from time to time be given for that purpose by the Commissioners of Her Majesty's Customs, to retain such sum or sums of money in his or their hands as may be sufficient to defray the necessary expenses attending the government of the said Isle of Man and the administration of justice there, and other charges incurred in the said isle which have heretofore been or may hereafter be deemed fit and proper charges to be deducted from and paid out of the duties of Customs collected in the said Isle of Man; and upon the amount of the said expenses and charges being ascertained the said Commissioners are hereby authorized to direct the same to be paid out of the said monies so retained, to such person or persons as may be entitled to receive the same.

And after reciting that by 54 Geo. 3. c. 43, certain harbour duties were imposed on ships and vessels, goods, wares, and merchandise, arriving at and imported into the Isle of Man, and certain rates were also imposed on boats and vessels employed in the herring fishery on the coasts thereof: And that it is expedient that the said harbour duties and rates should be repealed, and that such other provisions as hereinafter is expressed should be made for the purposes for which such duties and rates were so imposed:—

It is Enacted,

xix. That from and after the passing of this Act the said duties and rates imposed by the lastly hereinbefore recited Act upon ships and vessels, goods, wares, and merchandise, arriving at and imported into the Isle of Man, and on boats and vessels employed in the herring fishery on the coasts thereof, shall be repealed.

xx. That the collectors of Customs of the said isle shall, out of the duties collected under this Act, pay to Her Majesty's Receiver General in the said Isle of Man, to be applied as hereinafter is mentioned, yearly and every year, the sum of 2,300*l.*, by four equal quarterly payments, on the 1st of January, the 1st of April, the 1st of July, and the 1st of October, the first of

such payments to be made on the 1st of October 1844; and the same shall be applied by the said Harbour Commissioners to the same purposes to which the duties imposed by the said Act, and hereby repealed, would be lawfully applicable by the said Harbour Commissioners.

XXI. That so much of the said Act for regulating the trade of the Isle of Man as prohibits the importation into the said Isle of spirits of greater strength than one to nine over hydrometer proof shall be and the same is hereby repealed.

XXII. That all vessels registered at any port in the said Isle of Man, and *bona fide* the property of inhabitants thereof, being so registered as of the burden of fifty tons, shall, with regard to coasting trade between the Isle of Man and the United Kingdom, be entitled to all the privileges to which vessels registered in the United Kingdom as of sixty tons burden are by law entitled.

XXIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE OF LICENCE GOODS.

Spirits; <i>videlicet</i> ,		
Foreign Brandy		Gallons 20,000
— Geneva		Ditto 20,000
Liqueurs		Ditto 50
Eau de Cologne		Ditto 50
From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.		
Rum of the British Plantations		Gallons 70,000
Tobacco		Pounds 55,000
Segars		Ditto 5,000
From the United Kingdom.		

RULES REFERRED TO IN THIS ACT.

(1.) All such Goods to be imported or brought into the Port of Douglas, and by Her Majesty's Subjects, and in British Ships or Vessels of the Burden of Fifty Tons or upwards.

(2.) Such Tobacco to be shipped only in Ports in the United Kingdom where Tobacco is allowed to be imported and warehoused without payment of duty.

(3.) Such Rum, Brandy, and Geneva to be imported or brought in Casks containing not less than Twenty Gallons each.

(4.) That the respective Quantities of such Spirits shall be estimated according to the Strength of Proof by Sykes's Hydrometer.

(5.) No Drawback of Excise to be allowed on any such Goods until a certificate of the due landing of the Goods at the Port of Douglas be produced from the Collector and Controller of the Customs at that Port.

(6.) If any such Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, and Denominations of the Casks or Packages containing the same, shall be indorsed on the Licence, and signed by the British Consul at the Port of Lading, or, if there be no British Consul, by Two known British Merchants.

(7.) Upon Importation into the Port of Douglas of any such Goods the Licence for the same shall be delivered up to the Collector or Controller of that Port.

CAP. XLIV.

AN ACT to facilitate the disjoining or dividing of extensive or populous Parishes, and the Erecting of New Parishes, in that part of the United Kingdom called *Scotland*.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. So much of recited Act as requires the consent of three parts of the heritors repealed. Consent of majority of heritors to be sufficient.
2. Largeness of the population to be a reason for division of parish.
3. Non-consent of heritors not to be deemed valid objection to process for disjoining parishes.
4. Where proof is given that a sufficient church accommodation exists in the new parish, Lords of Council may allow process to proceed.
5. Patronage in new parishes.

6. In certain cases a parish, though divided, may remain as one parish for purposes of poor.
7. Division of a parish not to affect law as to roads.
8. Where a church is built and endowed, a district may be attached thereto. Endowment of minister.
9. Sittings.
10. Sites for churches may be granted.
11. Lands may be burdened for endowments.
12. For administering religious service in the Gaelic language.
13. A separate parish may be formed for that purpose.
14. For forming certain Highland churches into parishes.
15. Charge of church, &c. thenceforth to lie on parties liable thereto by law of Scotland.
16. Provisions of 50 Geo. 3. c. 84. and 5 Geo. 4. c. 72. not to extend to parishes erected under the present Act.
17. Act may be amended this session.

By this Act,

After reciting, that, by certain Acts of the Parliament of Scotland provision is made for disjoining large parishes and building and erecting new churches; and in particular by an Act passed in the Parliament of Scotland, in the Year 1707, c. 9, intitled, 'Act anent Plantation of Kirks, and Valuation of Teinds,' the lords of council and session are empowered, authorized, and appointed to judge, cognosce, and determine in all affairs and causes whatsoever, which, by the laws and Acts of Parliament of the Kingdom of Scotland were formerly referred to and did pertain and belong to the jurisdiction and cognizance of the Commissioners formerly appointed for the plantation of kirks and valuation of teinds, as fully and freely in all respects as the said Lords do or may do in other civil causes; and particularly, *inter alia*, "to disjoin too large Paroches, to erect and build new churches, to annex and dismember churches, as they shall think fit, conform to the rules laid down and powers granted by the 19th Act of the Parliament 1633, the 23rd and 30th Acts of the Parliament 1690, and the 24th Act of the Parliament 1693, in so far as the same stand unrepealed; the transporting of kirks, disjoining of too large paroches, or erecting and building of new kirks, being always with the consent of the heritors of three parts of four at least of the valuation of the paroch whereof the kirk is craved to be transported, or the paroch to be disjoined and new kirks to be erected and built;" And that it is expedient to afford facilities and to make further provision for the disjoining or dividing of extensave or populous parishes:—

It is Enacted,

I. That from and after the passing of this Act so much of the said recited Act as requires the consent of the heritors of three parts of four at least of the valuation of the parish whereof the kirk is craved to be transported, or the parish to be disjoined and new kirks to be erected and built, shall be repealed; and that the consent of the heritors of a major part of the valuation of any parish shall be necessary and sufficient in all cases in which the consent of the heritors of three parts of four of the valuation of such parish was required by the said recited Act, except where otherwise hereinafter expressly provided.

II. And it is enacted and declared, That a parish may be deemed and held to be too large, and may, as such, be disjoined or divided under the provisions of the said recited Act as altered and amended by this Act, by reason of the largeness of the population of such parish, although the superficial measurement thereof may not be too large for one parish.

III. That it shall not be a valid objection to the competency of any process which shall be brought for disjoining or dividing a parish or parishes, and erecting a new kirk or kirks, under the provisions of the said recited Act as altered and amended by this Act, that the consent of the heritors of a major part of the valuation of the parish to be disjoined or divided had not been given previous to such process having been brought into court; and it shall be lawful for the lords of council and session before whom any such process shall have been brought to appoint special intimation thereof to be made, in such form and manner as the said lords of council and session shall direct, to such of the heritors of the valuation of the parish as shall not have already either given their consent or judicially stated their dissent, and to sist proceedings in such process for a definite time, for the purpose of allowing such heritors to state judicially their consent or their dissent; and such of them as shall not within a time to be fixed by the said lords of council and session, and to be specified in such intimation as aforesaid, judicially state their dissent, shall, in computing the statutory proportion of consents, be reckoned as consenting heritors.

IV. That if, in any process for disjoining or dividing a parish, it shall be shewn to the satisfaction of the lords of council and session that there is already built or erected and in good repair a church or place of worship suitable for the church of the new parish proposed to be erected, and capable of being lawfully appropriated to that purpose, whereby the expense of erecting a new or additional church will not be incurred by the heritors, and that the titulars or others having right to the teinds out of which is to be paid not less than three-fourths of the additional stipend or stipends to be modified by reason of such disjunction or division have consented thereto, or have stated no objection thereto, after due intimation by direction of the lords of council and session to them given, it shall be lawful and competent for the said lords and council of session to allow such process to proceed, and to give judgment and decree therein, if, upon consideration of the whole case, it shall appear to them that there are good and sufficient reasons for so doing, although the heritors of a major part of the valuation of the parish to be disjoined or divided may not have consented.

V. That when any parish or parishes shall have been disjoined or divided, and a new parish erected, under the provisions of the said recited Act as altered and amended by this Act, the patronage of such new parish shall belong to the patron of the original parish from which the same has been disjoined or divided; or if the new parish has been disjoined or divided from more than one parish having different patrons, the patronage of such new parish shall belong to the patrons of the parishes from which the same has been disjoined or divided, and shall be exercised by them, either jointly or in a certain order of rotation as may have been agreed upon by them, or failing of such agreement, then their respective interests in the right of patronage, and the manner of exercising the same, shall be fixed by the lords of council and session, and in either case shall

be set forth in a judgment to be pronounced by the said lords of council and session in the process for erecting such new parish: Provided always, that such patron or patrons of the original parish or parishes from which the new parish has been disjoined or divided shall undertake to bear the burden of not less than one-half of the stipend to be provided to the minister of such new parish: Provided also, that no patron of any of the original parishes, who shall not bear the burden of one-fourth part of the stipend of the minister of the new parish, shall have any right or interest in the patronage of such new parish by virtue of his right of patronage in such original parish; and in every case in which the patron or patrons of the original parish or parishes shall not bear the burden of not less than one-half of the stipend to be provided to the minister of the new parish the patronage of such new parish, and the right of presentation to the kirk thereof, shall belong to the person if there be only one such person, or to the persons alternately if there are more than one and not more than three such persons, who shall bear the burden of the whole stipend provided for the minister of such new parish at the erection thereof, and to the heirs of such person or persons; and if the persons who bear the burden of such stipend shall exceed three in number, then the patronage of such new parish, and the right of presentation to the kirk thereof, shall be vested in and be exercised by three trustees, or, in case of difference of opinion, by the majority of three trustees, who shall be chosen for their respective lives in manner following: (that is to say,) the three trustees first chosen shall be elected by a majority of votes at a meeting of the heritors of such new parish, and of the persons who are liable in payment of stipend to the minister thereof, or who have contributed the sum of *£*1. towards the fund out of which any part of the stipend is provided, or towards the expense of providing the church for such new parish; and upon the death, disability, or resignation of any of the trustees so chosen, another trustee in his place shall be elected for life by the heritors and kirk session of the parish; and as often as any vacancy shall happen by the death, disability, or resignation of any trustee, his place shall be supplied in like manner by another trustee, to be elected for life by the heritors and kirk session of the parish: Provided always, that no person shall be qualified to hold the office of trustee who is not a member of the church of Scotland in full communion therewith.

And after reciting that in some large and populous parishes which it may be considered necessary or proper to divide into two or more parishes there are a number of poor persons, the greater portion of whom reside in or near the same locality, such locality being sometimes the least wealthy, whereby the particular territorial division of such large and populous parish, which would be most expedient and advantageous in other respects, would operate injuriously or unjustly if each of the new parishes into which it may be divided was left to provide from its own resources for that portion of the poor of the original parish resident within the territory of such new parish:—

It is Enacted,

vi. That it shall be lawful for the said lords of council and session, if they see cause so to do in any judgment to be by them pronounced dividing or disjoining a parish, to declare and provide, that, notwithstanding such division or disjunction, the original parish and the several new or separate parishes thereby erected within the bounds thereof shall, in so far as regards the support and management of the poor, and all matters and questions connected therewith, remain and be regarded as one parish; and in every such case there shall be one kirk session, consisting of the members of the kirk sessions of all the parishes within the bounds of the original parish, in all matters and questions relating to the support and management of the poor; and the session clerk of the original parish shall, during his incumbency, act as clerk of the said kirk session in all such matters and questions.

vii. That no division of any parish shall affect the law and practice already existing in such parish as to the management of roads, or as to the levying or applying the statute labour or conversion of statute labour within the bounds of the original parish so divided, but the same shall continue to be managed, levied, and applied as if no such division had taken place unless it shall be considered expedient by the county or district trustees for the conversion of the statute labour to make a new arrangement for allocating the management of the roads and statute labour, or conversion money, in reference to the alteration of circumstances consequent on such division of the parish as aforesaid.

viii. That if any person or persons shall, at his, her, or their expense, have built or shall have acquired, or shall have undertaken to build or acquire, a church, and shall have endowed or shall have undertaken to endow the same, it shall be competent for the lords of council and session, acting in their capacity aforesaid of Commissioners for the plantation of kirks and valuation of teinds, and they are hereby empowered and authorized, on the application of such person, or of such persons where they do not exceed five in number, or of two-thirds or any ten of such persons where they do exceed five in number, and without any concurrence of heritors, to inquire into the circumstances, and to erect such church into a parish church in connexion with the church of Scotland, and to mark out and designate a district to be attached thereto *quoad sacra*, and to disjoin such district *quoad sacra* from the parish or parishes to which the same, or any part thereof, may have belonged or been attached, and to erect such district into a parish *quoad sacra* in connexion with the church of Scotland; and it shall and may be lawful for the minister and elders of such parish to have and enjoy the status and all the powers, rights, and privileges of a parish minister and elders of the church of Scotland: Provided always, that nothing herein contained shall be construed so as to deprive any party who has a legal interest in the fabric of any place of worship of any right which by law belongs to such party to prevent such place of worship from being used or appropriated for a place of worship in connexion with the church of Scotland: Provided also, that due intimation of every such application as aforesaid shall be made to all parties having interest, that they may have an opportunity of appearing and being heard; which intimation may be made by notice in the *Edinburgh Gazette*, or by advertisement in one or more Edinburgh newspapers of general circulation, or in any other form or manner that may be directed by the lords of council and session in any act or acts of sederunt, or any order to be made by them for that purpose: And provided also, that the titles to the said church shall be taken and conceived so as that the said church shall be inalienably secured as the church of the said new parish in connexion with the church of Scotland, and that due provision shall be made for the future maintenance of the fabric of the said church; and that the endowment for the minister of the said new parish shall be not less than a stipend of 100*l.* per annum, or seven chalders of oatmeal, to be calculated at the highest fiars of the county, exclusive of the sum necessary for communion elements, with a suitable dwelling house or manse and offices and appurtenances, or a stipend of not less than 120*l.* or eight and a quarter chalders of oatmeal,

to be calculated at the highest fiars of the county per annum, where there shall be no such dwelling house or manse; and that such stipend of not less than 100*l.*, or not less than 120*l.*, shall be permanently provided and secured in all time coming for the minister of the said parish; and that if there shall be a dwelling house or manse, the title to such dwelling house or manse and offices and appurtenances shall be taken and conceived so that such dwelling house or manse and offices and appurtenances shall be inalienably secured as the dwelling house or manse and offices and appurtenances for the minister of the said parish; and that due provision shall be made for the future maintenance of the fabric of such dwelling house or manse and offices and appurtenances, all to the satisfaction of the said lords of council and session; and the right of presbyteries to present to vacant parishes *jure devoluto*, according to the law of Scotland, shall have place in regard to all parishes erected *quoad sacra* as aforesaid, in the same manner as in regard to other parishes.

IX. That in every such church as aforesaid a portion of the sittings therein, to be determined by the sheriff of the county in which such church is situated, and not exceeding one-tenth of the whole sittings, shall be set apart as free seats for all persons frequenting the same; and another portion of the sittings therein, not exceeding one-fifth of the whole sittings, shall be let at rents not exceeding a rate to be fixed by the presbytery of the bounds; and the remaining portion of the sittings may be let in such manner as shall be agreed upon by the minister for the time being, and the person or persons liable for the repair of the church and for the stipend of the minister, or in case of not agreeing, then in such manner as shall be determined by the sheriff of the county as aforesaid: Provided always, that one pew shall be appropriated, rent-free, for the accommodation of the family of the minister, and another pew for the officiating elders; and the pew or seat rents of any such church as aforesaid may be expended and applied for the purpose of defraying the necessary expenses of a precentor, a beadle or kirk officer, and other expenses necessarily incurred in dispensing the ordinances of religion therein, and not otherwise provided for, and for the purpose of upholding in due repair and improving the fabric of such church, or of the dwelling house and offices of the minister, or for the relief of any person or persons who may have undertaken or become liable to uphold the same, or who may be liable for the endowment or stipend provided and secured for the minister of such church; and it shall be lawful to make collections at the door of any such church for any of the purposes aforesaid: Provided also, that the sum received by any person liable to uphold the church or dwelling-house, or liable for the endowment or stipend as aforesaid, shall not in any year exceed the sum paid or expended by such person in the same year by reason of such liability.

X. That it shall and may be lawful for any heir or for any heir of entail in Scotland, trustee, tutor, and curator of minors, and every person lawfully empowered to act for persons under any legal disability or incapacity, to give and grant heritably and irredeemably such land or heritage belonging to them or under their management as may be necessary for the site of such church, dwelling-house, and offices as aforesaid, and also a portion or portions of land near the same for a churchyard or for a glebe, and not exceeding in the whole four acres; which portion or portions of land shall, at the sight of the sheriff of the county wherein the same is situated, or of some person appointed by the sheriff for that purpose, be marked out and set apart as the churchyard and as the glebe to belong to such new parish in all time coming, and having been so given, granted, marked out, and set apart, shall not be liable to or affected by any other rights, titles, trusts, interests, or incumbrances to, in, or upon the same whatsoever; and such heir of entail shall not thereby be subject to nor incur any forfeiture or irritancy under any deed of entail by virtue of which he or she may hold the said land or heritage; and such trustee, tutor, or curator, or other person as aforesaid, shall be indemnified for what he may do in the premises: Provided always, that the power hereby given to any heir of entail, trustee, tutor, and curator of minors, and every person lawfully empowered to act for persons under legal disability or incapacity, shall not in any case extend to or be understood to comprehend a power of giving and granting any lands or heritages within half a mile of the manor place in the natural possession of the proprietor, or of giving and granting any or any part of any gardens, orchards, or inclosures adjacent to the manor place which have usually been in the natural possession of the proprietor, or have not been usually let for a longer term than seven years, when the heir in possession was of lawful age, and not under any legal disability or incapacity: Provided also, that no such grant as aforesaid by any heir of entail in possession, or by any trustee, tutor, curator, or other person lawfully empowered to act as aforesaid for any such heir of entail, shall be effectual, unless the heir of entail nearest in succession, of lawful age, and not under any legal disability or incapacity, shall have consented to such grant, which consent may be given by letter or other writing under the hand of such heir of entail nearest in succession, and shall be proved to the satisfaction of the said sheriff of the county: Provided also, that no trustee, tutor, or curator of minors, or person lawfully empowered to act for persons under legal disability or incapacity, shall make any such grant as aforesaid without adequate consideration for the same either in price or feu duty, the adequacy of which consideration shall be proved to the satisfaction of the said sheriff of the county before the portion or portions of land shall be marked out or set apart as aforesaid.

XI. That it shall and may be lawful for any heir of entail in Scotland to burden the lands and estate of which he or she is in possession as heir of entail aforesaid, lying within any district to be marked out and designated as aforesaid, or to give security over the same for the annual payment out of the clear yearly rents and profits of the said lands and estate of any sum not exceeding 3*l.* per cent. of such clear yearly rents and profits, after deducting all prior burdens and provisions, as the same shall be ascertained by an average of the five years immediately preceding such burden or security, and in no case exceeding the yearly sum of 120*l.*, for the purpose of endowing or contributing to the endowment of such new parish as aforesaid; and also to burden such lands and estate or give security over the same for upholding in due repair the fabric of the church of such new parish, and the dwelling-house and offices of the minister, or any of them: the sums to be expended in such repairs not exceeding in any one year 1*l.* per cent. on the amount of money originally expended in building or purchasing and completing such church, or upon the estimated value thereof, when received and recognized as the church of such new parish, and 1*l.* per cent. on the amount of money originally expended in building or purchasing and completing such dwelling-house and offices, or upon the estimated value thereof; and such heir of entail shall not, by reason of such acting as aforesaid, be subject to nor incur any forfeiture or irritancy under any deed of entail by virtue of which he or she may hold such lands or estate, and such burdens and securities shall be as valid and effectual against such lands and estates as if the same had not been entailed: Provided always, that no such burden or security as aforesaid shall be effectual unless

the heir of entail nearest in succession, of lawful age, and not under legal disability or incapacity, shall have consented thereto, which consent may be given judicially, or by letter or other writing under the hand of such heir of entail nearest in succession: Provided also, that if such heir of entail nearest in succession as aforesaid shall be an heir of the body of the heir of entail in possession who intends to create such burden or security, then such heir of entail in possession shall, three months at least before creating the same, give notice of such his intention, in writing, to the heir of entail next entitled to succeed to the said estate, after the heirs of his own body, if within Great Britain or Ireland, and if the heir next entitled to succeed is not within Great Britain or Ireland to his nearest male relation by the father, of lawful age, or to his known factor or attorney; and before any such burden or security as aforesaid shall be created, evidence shall be produced, to the satisfaction of the said lords of council and session, that such consent as aforesaid, and such notice as aforesaid, where required, have been given, and that the means of public worship for the inhabitants of such district are wanting, and cannot be adequately provided unless the power hereby given of burdening the entailed estate shall be exercised to the extent proposed.

And after reciting that in some populous parishes and districts in the low country of Scotland, particularly in large towns and in the neighbourhood of cities and royal burghs, there are a great number of persons, natives of the highlands and islands of Scotland, who do not understand the English language so as to be capable of receiving the full benefit of religious instruction in English, or of having the ordinances of religion administered to them with advantage in that tongue: And that it is expedient that some provisions should be made for enabling such persons to obtain religious instruction, and to have the ordinances of religion administered to them, in the Gaelic language;—

It is Enacted,

XII. That in disjoining or dividing any large or populous parish or parishes in which there are a great number of such persons, it shall and may be lawful to make provision for the spiritual wants of such persons by appointing religious instruction to be communicated to them, and the ordinances of religion to be dispensed among them, in the Gaelic language.

XIII. That where a separate church shall have been erected for any such Gaelic congregation, and a permanent endowment shall have been secured for the same, either from teinds or otherwise, to the satisfaction of the said lords of council and session, it shall and may be lawful to erect such church and the congregation thereof into a separate parish, although the members of such congregation may be scattered, and no territorial district may be assigned to such parish exclusively; and it shall and may be lawful for the minister or ministers and elders of such parish to have and enjoy the status and all the powers, rights, and privileges of a parish minister or parish ministers and elders of the church of Scotland: Provided always, that nothing herein contained shall be construed as giving to the minister or ministers and elders of any such Gaelic congregation right to exercise pastoral superintendence and discipline over persons who are not either members of such Gaelic congregation, or of the families of such members, or resident within the territorial district, if any, which may be assigned to such parish exclusively.

And after reciting an Act, 4 Geo. 4. c. 79, intituled 'An Act for building additional Places of Worship in the Highlands and Islands of Scotland'; and another Act, 5 Geo. 4. c. 90, intituled, 'An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland': And that, under the authority and provisions of the said two last-mentioned Acts, several additional places of worship have been built or provided, and certain districts have been defined or set apart for the benefit of which the said places of worship were built or provided, and ministers have been appointed to officiate at such places of worship and in such districts, and dwelling-houses and appurtenances have been built or provided for the ministers so officiating; and provision has been made for the payment to such ministers of stipends not exceeding the sum of 120*l.* per annum in any one case; and provision is made by the said last-mentioned Act for upholding in repair such places of worship and dwelling-houses and appurtenances:—

It is Enacted,

XIV. That upon application by the presbytery within which any such place of worship is situated, or by one or more heritors holding together one-fourth part of the valuation of the district defined and set apart as the district for the benefit of which such place of worship has been provided, or of Her Majesty's Advocate for Scotland, it shall and may be lawful for the said lords of council and session, acting as aforesaid, to disjoin such district from the parish or parishes to which the same or any part thereof may have belonged or been attached, and to erect the same into a parish *quoad sacra*; and in every such case the place of worship built or provided as aforesaid may be held and appointed to be the church of such parish, and the dwelling-house and appurtenances provided for the minister may be held and appointed to be the dwelling-house of the minister of such parish; and the provisions contained in the said two last-mentioned Acts may be held and taken to be sufficient provisions for upholding in repair such church and dwelling-house and appurtenances, and a stipend of 120*l.* payable under the provisions of the said Acts, may be held to be sufficient stipend for the minister of the said parish; and it shall and may be lawful for the minister and elders of such parish to have and enjoy the status and all the powers, rights and privileges of a parish minister and elders of the church of Scotland.

XV. That if in any case in which a place of worship has been built; and a district has been defined and set apart, under the provisions of the said two last-recited Acts, application shall be made to the said Court to erect such district alone, or such district with additions thereto, into a new parish *quoad omnia*, with the requisite consent of heritors, and that the said Court shall give effect to such application, it shall and may be competent for the said Court to declare and appoint the place of worship already erected in such district to be the church of such new parish, and to appoint and declare the dwelling-house already erected for the minister to be the manse of such new parish; and the Commissioners under the said last-recited Acts shall thereupon cease to hold such place of worship and such dwelling-house for the purposes of the said last-recited Acts; and the provisions contained in the said last-recited Acts for upholding such place of worship and such dwelling-house in repair shall cease and determine, and the burden of upholding the same shall fall on the parties who by the law of Scotland would be bound to uphold the church and manse of the parish, if such church and manse had been appointed to be built for the newly-erected parish; and in fixing the stipend to be paid to the minister of such newly-erected parish, the said Court shall

compute as stipends the sum paid by authority of the said last-recited Acts to the minister in such district, which sum shall be continued to be paid to the minister of such newly-erected parish: Provided always, that the right of Her Majesty, her heirs and successors, to nominate and appoint the minister to such church and district shall remain entire, notwithstanding the erection thereof into a separate parish.

xvi. That the provisions of the Act, 50 Geo. 3. c. 84, intituled, 'An Act for augmenting Parochial Stipends in certain Cases in Scotland,' and the provisions of the Act, 5 Geo. 4. c. 72, intituled, 'An Act for amending and rendering more effectual an Act for augmenting Parochial Stipends in certain Cases in Scotland,' shall not be extended to any new parishes erected under the provisions of this Act, although the stipend or endowment modified or provided for the minister of any such new parish should be less than 150*l.* sterling.

xvii. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

CAP. XLV.

AN ACT for the Regulation of Suits relating to Meeting Houses and other Property held for religious Purposes by Persons dissenting from the United Church of *England* and *Ireland*.

(19th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Acts, as well as all deeds relating to such meeting houses, &c., to be construed as if the Acts had been in force at the time of the foundation of such meeting houses, &c.*
2. *The religious doctrines or opinions for the preaching or promotion of which the meeting house may be held to be collected from twenty-five years usage, where not expressly stated in the deed of trust.*
3. *Act not to affect any judgment, &c. of a court of law or equity, and Court may give defendants the benefit of Act in suits now pending.*

By this ACT,

After reciting the passing of 1 Will. & M. sess. 1. c. 18, 19 Geo. 3. c. 44, 53 Geo. 3. c. 160, 6 Geo. 1. (I.), and 57 Geo. 3. c. 70: And that prior to the passing of the said recited Acts respectively, as well as subsequently thereto, certain meeting houses for the worship of God, and Sunday or day schools (not being grammar schools), and other charitable foundations, were founded or used in England and Wales and Ireland respectively for purposes beneficial to persons dissenting from the Church of England and the Church of Ireland and the United Church of England and Ireland respectively, which were unlawful prior to the passing of those Acts respectively, but which by those Acts respectively were made no longer unlawful:—

It is Enacted,

i. That with respect to the meeting houses, schools, and other charitable foundations so founded or used as aforesaid, and the persons holding or enjoying the benefit thereof respectively, such Acts, and all deeds or documents relating to such charitable foundations, shall be construed as if the said Acts had been in force respectively at the respective times of founding or using such meeting houses, schools, and other charitable foundations as aforesaid.

ii. That so far as no particular religious doctrines or opinions, or mode of regulating worship, shall on the face of the will, deed, or other instrument declaring the trusts of any meeting house for the worship of God by persons dissenting as aforesaid, either in express terms, or by reference to some book or other document as containing such doctrines or opinions or mode of regulating worship, be required to be taught or observed or be forbidden to be taught or observed therein, the usage for twenty-five years immediately preceding any suit relating to such meeting house of the congregation frequenting the same shall be taken as conclusive evidence that such religious doctrines or opinions or mode of worship as have for such period been taught or observed in such meeting house may properly be taught or observed in such meeting house, and the right or title of the congregation to hold such meeting house, together with any burial ground, Sunday or day school, or minister's house attached thereto; and any fund for the benefit of such congregation, or of the minister or other officer of such congregation, or of the widow of any such minister, shall not be called in question on account of the doctrines or opinions or mode of worship so taught or observed in such meeting house: Provided nevertheless, that where any such minister's house, school, or fund as aforesaid shall be given or created by any will, deed, or other instrument, which shall declare in express terms, or by such reference as aforesaid, the particular religious doctrines or opinions for the promotion of which such minister's house, school, or fund is intended, then and in every such case such minister's house, school, or fund shall be applied to the promoting of the doctrines or opinions so specified, any usage of the congregation to the contrary notwithstanding.

iii. Provided and enacted, That nothing herein contained shall affect any judgment, order, or decree already pronounced by any court of law or equity; but that in any suit which shall be a suit by information only and not by bill, and wherein no decree shall have been pronounced, and which may be pending at the time of the passing of this Act, it shall be lawful for any defendant or defendants for whom the provisions of this Act would have afforded a valid defence if such suit had been commenced after the passing of this Act to apply to the Court wherein such suit shall be pending; and such Court is hereby authorized and required, upon being satisfied by affidavit or otherwise that such suit is so within the operation of this Act, to make such order therein as shall give such defendant or defendants the benefit of this Act; and in all cases in which any suit now pending shall be stayed or dismissed in consequence of this Act, the costs thereof shall be paid by the defendants, or out of the property in question therein, in such manner as the Court shall direct.

CAP. XLVI.

AN ACT to continue, until the Fifth Day of *April* One thousand eight hundred and forty-six, Compositions for Assessed Taxes; and to amend certain Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Compositions for Assessed Taxes continued for a further term of one year, ending 5th of April 1846;*
2. *Except in cases where parties shall give notice to determine the same on the 5th of April 1845.*
3. *Commissioners of Stamps and Taxes empowered to direct within what districts and parishes privileged and other places shall be rated to the Assessed Taxes and Property Tax.*
4. *Mode of proceeding to make the assessments of the duties in the year in which any order is made for annexing any privileged or other place to a parish for the purposes of the said Acts.*
5. *Execution of the powers of the Acts by the Commissioners declared valid, although not within the times prescribed for that purpose.*
6. *Penalty on persons refusing to appear before the Commissioners to be appointed assessors, or submit to be appointed, 10l.*
7. *Recital of 49 Geo. 3. c. 32. and c. 110. granting duties of 1s. and 6d. on offices and employments.—Commissioners of the Treasury empowered to appoint Commissioners for executing the recited Acts, with relation to the said duties.*
8. *Act may be altered this session.*

By this Act,

After reciting, that by 6 & 7 Vict. c. 24, the compositions for assessed taxes entered into or renewed under the authority of an Act, 4 & 5 Will. 4. were continued until the 5th of April 1845, and it is expedient to continue the same for the further term of one year:—

It is Enacted,

1. That all contracts of composition for the duties of assessed taxes now in force shall be and the same are hereby continued in force for a further term of one year, to be computed from the 5th of April 1845, and to determine on the 5th of April 1846, under the same rules, regulations, and privileges as if such compositions did not by the laws now in force expire before the last-mentioned day; and all the powers and provisions of the several Acts relating to or continuing such compositions, or for collecting or enforcing payment thereof, shall be extended and applied to the contracts of composition continued under this Act, to all intents and purposes as if the same had been herein repeated and re-enacted.

11. Provided and enacted, That this Act shall not extend to the contract of composition of any person who shall be desirous of determining the same on the 5th of April 1845, and who shall on or before the 10th of October 1844 give notice thereof in writing to the assessor or collector of the parish or place, or to the surveyor acting in the execution of the Acts relating to the duties of Assessed Taxes for the district in which such composition shall be payable.

And after reciting that difficulties have arisen in carrying into execution the several Acts relating to the duties of Assessed Taxes, and the duties on profits arising from property, professions, trades, and offices, in divers privileged and other places, by reason of doubts as to whether such places are extra-parochial, or included within or forming part of any parish, tithing, or place for which separate assessments of the said duties have been usually heretofore made; for remedy whereof,—

It is Enacted,

111. That it shall be lawful for the Commissioners of Stamps and Taxes, or any two or more of them, and they are hereby authorized and empowered, from time to time, by any order in writing under their hands, to order and direct that any privileged or other place, whether extra-parochial or not, but not being itself an entire parish, shall, for the purposes of assessing, charging, collecting, and levying the said duties respectively, and for all other the purposes of the several Acts aforesaid, be deemed to be within or part of such district or division, and within or part of such parish, tithing, ward, or place respectively, as shall appear to the said Commissioners to be most convenient and proper for the purposes aforesaid, and thereupon such privileged or other place shall be deemed to be within or part of such district or division, and within or part of such parish, tithing, ward, or place, according to such order, for all the purposes aforesaid; and the said respective duties shall be assessed, charged, raised, collected, and levied within such privileged or other place, and upon the occupiers or inhabitants thereof, by or under the authority of the Commissioners appointed or authorized to put in execution the said respective Acts in the district or division, and by the assessors, collectors, or other officers appointed for the parish, tithing, ward, or place within or part of which such privileged or other place shall be by any such order as aforesaid declared or directed to be deemed to be, any law, statute, or usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Commissioners of Stamps and Taxes, or any two of them, to revoke any such order, and to substitute any other order in lieu thereof, from time to time as often as it shall appear to the said Commissioners to be expedient so to do: Provided also, that no such order shall prejudice or affect any assessment of the said respective duties for any year prior to that in which such order shall be made; but that all such duties assessed and charged for any previous year shall be collected, levied, and recovered by the same persons, under the same authority, and in like manner as they would have been if such order had not been made.

IV. That where before or at the time of the making of any such order as aforesaid any assessment of the said respective duties or either of them shall have been made for such privileged or other place as aforesaid, or upon the occupiers or inhabitants thereof, in or for the year in which such order shall be made, whether the same shall be a separate assessment for such privileged or other place, or part of or included in the assessment for any parish, tithing, ward, or other place, in case the duties so assessed shall not have been previously paid and discharged, the surveyor of the said duties shall certify the particulars of every such assessment to the Commissioners acting in the execution of the said Acts respectively for the district, and parish, tithing, ward, or place, within or part of which such privileged or other place shall be by such order declared or deemed to be; and where at the time of the making of any such order as aforesaid no assessment of the said respective duties shall have been made for such privileged or other place as aforesaid, or upon the occupiers or inhabitants thereof, in or for the said year, or in case there shall be any omission of any person, article, matter, or thing in or from any such assessment as last aforesaid which shall have been made, or any insufficient rate or amount of duty charged thereby, it shall be lawful for the surveyor of the said duties to certify in like manner to the said Commissioners the particulars of any assessment which ought to be made upon any occupier or inhabitant of such privileged or other place, and of any increased rate or amount of duty which ought to be charged upon any such occupier or inhabitant; and in any of the several cases aforesaid the said Commissioners shall cause the particulars so certified to them as aforesaid to be inserted or included in or added to the assessment of the like duties made or to be made for the same year in or for the parish, tithing, ward, or place within or part of which such privileged or other place shall be by such order as aforesaid declared or deemed to be, and shall cause the duties to be assessed and charged thereon or in respect thereof according to such certificate, and thereupon the said duties shall be deemed to be part of the last-mentioned assessment for all intents and purposes whatsoever, and shall be collected, received, levied, accounted for, and paid over by the collectors or other persons appointed or to be appointed or authorized to collect, receive, or levy the duties contained in the said assessment, without any further or other warrant or order in that behalf: Provided always, that every such assessment or charge of duties made in pursuance of such certificate of the surveyor as aforesaid shall be subject to an appeal by the party charged with or liable to the payment of the said duties, upon his giving notice in writing to such surveyor of his intention to appeal against such assessment or charge within ten days after the particulars thereof shall have been notified to such party; and every such appeal shall be heard and determined by the said respective Commissioners within their district at such time and place as they shall appoint for that purpose, of which due notice shall be given to the party assessed or charged as aforesaid.

And after reciting that by the said Acts relating to the said respective duties the Commissioners for putting the same in execution respectively are required or directed to hold certain meetings, and to appoint certain officers, and also to do and perform divers other acts, matters, and things, in the execution of the powers and provisions of the said Acts, before or upon certain days or times appointed and prescribed by the said Acts for such purposes respectively: And that in cases where the said Commissioners have omitted to put in execution the powers and provisions of the said Acts within or at the times so appointed and prescribed as aforesaid, doubts have arisen as to the legality of their execution of such powers and provisions at any subsequent period, and it is expedient to remove such doubts;—

It is Enacted,

V. That where in any case the said respective Commissioners have neglected or omitted, or shall hereafter neglect or omit, to hold any meeting, or to appoint any officer, or to do or perform any other act, matter, or thing, in the execution of the powers and provisions of the said Acts respectively, within or at the time directed, appointed, or prescribed by the said Acts in that behalf, the holding of such meeting, and the appointment of such officer, and the performance of any such other act, matter, or thing as aforesaid at any other time or times shall, notwithstanding any such neglect or omission, be and be deemed to have been respectively as good, valid, and effectual to all intents and purposes as if the same respectively had been held, made, done, or performed within or at the time and according to the manner and circumstances directed, appointed, or prescribed as aforesaid, anything in the said Acts contained to the contrary thereof notwithstanding.

And after reciting that by the said Acts relating to the said duties respectively the Commissioners acting in the execution thereof are required to direct their precepts to such inhabitants of each parish, ward, or place, and such number of them, as they shall think most convenient, to be presenters and assessors for such parish, ward, or place, requiring them to appear before the said Commissioners at such place and at such time as they shall appoint, in order that such of the said inhabitants as the said Commissioners shall think proper may be appointed assessors of the said several duties: And that it frequently happens that the persons to whom such precepts are directed wilfully disobey the same, whereby the execution of the said Acts is greatly impeded;—

It is Enacted,

VI. That if any person to whom any such precept as aforesaid shall be directed shall wilfully neglect or refuse to appear before the said respective Commissioners according to the tenor and effect thereof, or, having appeared, shall refuse to submit to be appointed an assessor of the said duties or of either of them respectively, in the manner and form by the statute in such case directed and provided, every person so offending in any such case as aforesaid shall forfeit and pay for every such offence the sum of 10*l.*, to be recovered and applied in like manner as any penalty incurred under the said Acts or any of them may be recovered and applied.

And after reciting that by 49 Geo. 3. c. 32. certain rates and duties of 1*s.* and 6*d.* respectively specified and contained in the Schedule to the said Act annexed were granted and made payable: and that another Act was passed in the same session of Parliament, to rectify a mistake in the last-recited Act: And that it is expedient to make provision for the appointment of Commissioners to execute the said last-recited Acts in certain cases;—

It is Enacted,

VII. That where in any case there is or shall be any failure in the appointment of Commissioners for executing the said recited Acts, whether the same shall proceed from the want of legal authority in any person or persons to make such appoint-

ment, or from the neglect or omission of any person or persons having such authority to appoint such Commissioners, or from any other cause, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, from time to time, by writing under their hands, to appoint Commissioners for putting in execution the said recited Acts of the 49 Geo. 3. and the powers therein referred to or contained in relation to the said respective rates and duties of 1s. and 6d., in the several departments or districts throughout Great Britain; and such Commissioners so to be appointed as last aforesaid are hereby empowered and required to do all things necessary for putting the said recited Acts in execution with relation to the said respective rates and duties, in the like and in as full and ample a manner as any Commissioners appointed or authorized by or under the authority of any former Act or Acts could or might at any time heretofore put in execution the said recited Acts.

VIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XLVII.—IRELAND.

AN ACT to amend and continue for five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Continuation of Acts.*
2. *Further powers granted to Justices in awarding the penalties assigned by the Act 5 & 6 Will. 4. c. 27.*
3. *Fairs and markets for linen to be held between Ten and Two o'clock throughout the year.*
4. *Public Act.*
5. *Act to extend to Ireland only.*
6. *Act may be amended this session.*

By this Act,

After reciting the passing of 5 & 6 Will. 4. c. 27, 3 & 4 Vict. c. 91, and 5 & 6 Vict. c. 68; and that it is expedient that the first hereinbefore recited Act should be continued, with such amendments as are hereinafter contained, and that the secondly and thirdly hereinbefore recited Acts should also be continued:—

It is Enacted,

1. That the said first hereinbefore recited Act, except as to such parts thereof as have been repealed by the said secondly hereinbefore recited Act, and subject to the amendments hereinafter contained, and the said secondly and thirdly hereinbefore recited Acts shall be continued and shall be and remain in force from the passing of this Act for five years, and until the end of the next session of Parliament.

And after reciting that several of the penalties imposed by the said first hereinbefore recited Act for the offences therein described are directed to be not less in amount than certain sums in the said Act respectively named, and it is expedient that power should be given to the convicting Justices still further to lessen the same:—

It is Enacted,

11. That it shall be lawful for any Justices or Justice or Chief Magistrate by whom any person shall be convicted of any offence under the said first hereinbefore recited Act to award, in respect of any offence punishable under the said Act, any penalty whatsoever, not being greater than the maximum penalty assigned for such offence by the said Act; and the said Act shall hereafter take effect and be continued as if no such minimum limits as are hereinbefore referred to had been respectively assigned to the penalties thereby imposed.

And after reciting that by the said first-mentioned Act it is enacted, that for the purposes thereof all linen which shall be sold or exposed for sale within the custom gaps or custom gates of any fair or market on the respective fair or market days, between the hours thereafter mentioned, (that is to say,) between ten of the clock in the forenoon and two of the clock in the afternoon from the 25th of March until the 25th of September in each year, and between eleven of the clock in the forenoon and two of the clock in the afternoon from the 25th of September until the 25th of March in each year, shall be deemed and taken to be sold or exposed for sale in open fair or market, and none other; any law, usage, or custom to the contrary notwithstanding: and that it is expedient that the hour of ten of the clock in the forenoon, from the 25th of September to the 25th of March in each year, should be fixed, instead of eleven of the clock in the forenoon during the like period, as the time at which open fairs and markets should, for the purposes of the said first hereinbefore mentioned Act, be deemed to commence:—

It is Enacted,

111. That from and after the passing of this Act all linen that shall be sold or exposed for sale within the custom gaps or custom gates of any fair or market on the respective fair days, between the hour of ten of the clock in the forenoon and two of the clock in the afternoon, whatever may be the period of the year, shall for the purposes of this Act be deemed and taken

to be sold or exposed for sale in open fair or market, and none other; anything in the said first hereinbefore recited Act, and any law, usage, or custom, to the contrary notwithstanding.

IV. That this Act, and the several Acts hereinbefore recited, shall be deemed and taken to be public Acts, and shall be judicially taken notice of as such by all Judges, Justices, and others.

V. That this Act shall extend to Ireland only.

VI. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XLVIII.

AN ACT to repeal certain Acts for regulating the Trade in Butter and Cheese.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Acts repealed.*
2. *Act may be amended this session.*

By this Act,

After reciting the passing of 4 Will. & M. c. 7, 36 Geo. 3. c. 86, and 38 Geo. 3. c. 73; and that it is expedient that the hereinbefore recited Acts should be repealed, except as hereinafter is expressed:—

It is Enacted,

- I. That the hereinbefore recited Acts shall be repealed, but not so as to revive any Act or any part of any Act repealed by any of the Acts hereby repealed.
- II. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XLIX.

AN ACT for the better Regulation of Colonial Posts.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Rates of postage established by the Postmaster General to be deemed authorized by recited Acts.*
2. *Postmaster General may establish posts in the colonies.*
3. *Commissioners of the Treasury may establish rates of postage, and alter them from time to time.*
4. *Warrants establishing rates of postage to be published in London Gazette.*
5. *Colonial rates of postage to be paid over to Postmaster General.*
6. *Postage mark to be evidence of amount of postage.*
7. *Repeal of certain provision in secondly-recited Act.*
8. *Defining the term "Colonial Letters."*
9. *Commissioners of the Treasury may extend provisions of Post Office Acts to other colonies.*
10. *Construction of terms.*
11. *Act may be amended, &c. this session.*

By this Act,

After reciting that by 7 Will. 4. & 1 Vict. c. 33, it was provided, that the Postmaster General should have the exclusive privilege (except in the particular cases therein mentioned) of conveying letters from one place to another, wheresoever, within the United Kingdom or other Her Majesty's dominions, posts or post communications then were or might be thereafter established; and by 3 & 4 Vict. c. 96, the Postmaster General was empowered to charge such rates of postage as the Commissioners of Her Majesty's Treasury might from time to time, by warrant under their hands, direct, on letters conveyed by post between places therein mentioned where post communications should be established, and where rates of postage had not hitherto been authorized by law: And that in certain of Her Majesty's colonies in which posts or post communications have been or may be established by the Postmaster General, rates of postage have been already authorised to be taken:—

It is Enacted and Declared,

i. That in all cases in which posts or post communications have been established by the Postmaster General in any of Her Majesty's colonies, and rates of postage, by warrant under the hands of the Commissioners of Her Majesty's Treasury, or any three of them, have been directed to be charged by the Postmaster General on letters conveyed by post between places within such colonies, the same shall be deemed and taken to have been authorized by the said recited Acts, any thing to the contrary notwithstanding.

ii. And it is enacted and declared, That it shall be lawful for the Postmaster General for the time being, from time to time, to establish any posts or post communications in any of Her Majesty's colonies, or in any of the cities or towns within any such colony, or the suburbs thereof, and to alter or annul any of the posts or post communications already established or hereafter to be established in any of the said colonies, cities, towns, or suburbs, as he shall deem expedient, and to appoint sufficient deputies, agents, and servants under him, for the better managing the Post Office revenue, at any place or places where such posts or post communications already have been or may hereafter be established, and such deputies, agents, and servants from time to time to suspend, remove, or displace, and to appoint others in their place or stead; and whenever any such posts or post communications shall be established in any of the said colonies, all colonial legislative acts and colonial ordinances relating to the post or postage of letters in force within any such colony shall cease and determine.

iii. And it is enacted and declared, That it shall be lawful for the Commissioners of Her Majesty's Treasury, from time to time and at all times after the passing of this Act, by warrant under their hands, to alter and fix any of the rates of colonial postage payable by law for the transmission of letters by the post, and to subject the same to rates of postage according to the weight thereof, and a scale of weight to be contained in such warrant, and from time to time, by warrant as aforesaid, to alter or repeal any such altered rates, and make and establish any new or other rates in lieu thereof, and the rates of colonial postage from time to time to become payable under or by virtue of any such warrant shall be charged and paid accordingly, and from time to time, by warrant as aforesaid, to appoint at what time the rates which may be payable are to be paid; and the power hereby given to alter and fix rates of postage shall extend to any increase or reduction or remission of postage.

iv. That in all cases in which any rates of colonial postage shall be made payable under or by virtue of any warrant of the Commissioners of Her Majesty's Treasury under this Act, every such warrant shall be published in the *London Gazette*, and shall, within fourteen days after making the same, be laid before both Houses of Parliament if then sitting, or otherwise within fourteen days after Parliament shall re-assemble: Provided that any rates made payable by any such warrant may be demanded and taken at any time after they shall have been so published in the *London Gazette*, although the same shall not then have been laid before Parliament.

v. That the rates of colonial postage now or hereafter payable within any of Her Majesty's colonies, where posts or post communications have been or shall hereafter be established by or under the authority of Her Majesty's Postmaster General shall be charged by and be paid to Her Majesty's Postmaster General for the time being, or his deputies or agents in such colony, and, after deducting the expenses of collection and management of the Post Office in any such colony, and payment of the salaries and wages of the officers and servants employed in or about the same, shall be appropriated and applied, by or under the authority of the Postmaster General for the time being, to the improvement and extension of the posts and post communications of the colony within which such postage shall be raised, and the surplus thereof shall be applied for the public service of such colony, and the support of the Government thereof, in such manner as the Commissioners of Her Majesty's Treasury for the time being may from time to time by writing under their hands direct.

vi. That the postage, whether British or foreign or colonial, marked on any letter brought into any of Her Majesty's colonies or dominions, shall, in all courts of justice and other places within the said colonies and dominions, be received as conclusive evidence of the amount of British or foreign or colonial postage payable in respect of such letter, in addition to any other postage chargeable thereon; and all such postage shall be recoverable, within Her Majesty's colonies and dominions, as postage due to Her Majesty.

vii. That so much of section 33. of the said Act, 3 & 4 Vict. c. 96, intituled, 'An Act for the Regulation of the Duties of Postage,' as contains the words "and where rates of postage have not hitherto been authorized by law," shall be and the same is hereby repealed.

viii. That the term "Colonial Letters" used in section 58. of the said last-mentioned Act shall include all letters transmitted by the post between places within any of Her Majesty's colonies, or between any of such colonies, or between any of the colonies and the United Kingdom or a foreign country.

ix. That it shall be lawful for the Commissioners of Her Majesty's Treasury, from time to time and at all times after the passing of this Act, by warrant under their hands, to extend to all or any of Her Majesty's colonies any of the enactments, clauses, and provisions (not then relating to or affecting the colonies) contained in the said last-mentioned Act, and also any of the enactments, clauses, and provisions (not then relating to or affecting the colonies) contained or which may be contained in any other of the Post Office Acts now or hereafter to be in force, and from time to time to revoke any such warrant; and during the time any such warrant shall be unrepealed the enactments, clauses, and provisions which may be so extended to any such colonies shall be in force in such colonies in like manner as if the same had been declared by any such Acts to extend to such colonies.

x. That the following terms and expressions whenever used in this Act shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject or inconsistent with the context of the provisions in which they may be found; (that is to say,) the term "Letter" shall include post letters and packets, newspapers, votes and proceedings of the imperial Parliament, and votes and proceedings of the legislatures of any of Her Majesty's colonies or provinces, pamphlets and other printed papers; and the term "Colonial Postage" shall include the postage on

letters and newspapers, and other papers and packets transmitted by the post within any of Her Majesty's colonies; and that the several other terms and expressions used in this Act shall be construed according to the respective interpretations contained or referred to in the said Act, 3 & 4 Vict. c. 96, intituled, 'An Act for the Regulation of the Duties of Postage,' as far as those interpretations are not repugnant to the subject, or inconsistent with the context of such terms or expressions.

XI. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. L.

AN ACT to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Agreements contemplated by the recited Act may be contingent on grant of sessions of the peace.*
2. *Repeal of 5 & 6 Vict. c. 53, s. 41. as to divisions of united districts.*
3. *Provisions as to divisions of any united district, whether grant made before or after confirmation of agreement.*
4. *Secretary of State to appoint Surveyor General of Prisons.*
5. *Act may be amended this session.*

By this ACT,

After reciting the passing of 5 & 6 Vict. c. 53, and that it is expedient that the said Act be amended, for the purpose of removing doubts as to the manner of putting the said Act in force with respect to those boroughs to which a separate court of sessions of the peace has not been granted at the time of making the agreements contemplated by the said Act:—

It is Declared and Enacted,

I. That it shall be lawful for the council of any borough to which Her Majesty shall not have then granted a separate court of sessions of the peace to be party to any agreement for the purposes of the said Act; and it shall be also lawful to insert in any such agreement, if the parties thereunto shall think fit, a condition, that such agreement shall not take effect unless Her Majesty shall be pleased to grant a separate court of sessions of the peace to any such borough; and in case such condition shall be therein inserted no agreement shall be valid notwithstanding that the same shall have been approved by the several parties thereto, and confirmed by Her Majesty, as directed by the said Act, until Her Majesty shall have been pleased to grant such separate court of sessions of the peace to the borough or boroughs respecting which the said condition shall have been inserted in the agreement.

II. That so much of the said Act as provides that in every case in which more than one borough having a court of sessions of the peace shall be a party to the agreement aforesaid the district united under such agreement shall be divided into as many divisions as there shall be boroughs included in such agreement, and to each of such boroughs shall be apportioned such a division of the said district as shall be more immediately adjacent thereunto, and shall be set forth in the agreement, regard being had to the amount of population in the whole district, and the other circumstances of the case, and all prisoners committed to the said prison for any offence committed within any division aforesaid shall be sent for trial to the sessions of the peace holden for that borough to which such division shall have been apportioned, and the provisions hereinbefore contained with respect to jurors, and the return of convictions, depositions, recognizances, and other documents, for the united district, shall apply in each case to the division apportioned to each borough, shall be repealed.

III. That in every case in which more than one borough having a court of sessions of the peace shall be a party to any such agreement whether or not the grant of such court shall have been made before or after the confirmation of the agreement, the united district shall be divided into as many divisions as there are boroughs to which such grants shall have been made, in such manner as shall be absolutely or provisionally set forth in the agreement, or as shall be provided by any supplemental agreement to be made and enforced in like manner as the original agreement, so, nevertheless, that one such borough shall be included in and form the whole or part of every such division; and the united district and also each of such divisions, shall be designated by such names as shall be set forth in such agreement or supplemental agreement; and a court of sessions of the peace for each division of the united district shall be holden in the borough which forms the whole or part of such division, before the recorder thereof, who shall be the recorder of that division and sole judge of the court which shall have the like jurisdiction throughout the division which the court of sessions of the peace for any of the said boroughs has within such borough; and the provisions in the said Act contained with respect to the clerk of the peace, and to jurors, and the return of convictions, depositions, recognizances, and other documents, for the united district, shall apply in each case separately to each division, and to the borough which is included in and forms the whole or part of such division.

And after reciting that by 2 & 3 Vict. c. 56, intituled, 'An Act for the better ordering of Prisons,' it is provided, that it shall not be lawful to enlarge, build, or rebuild any prison until one of Her Majesty's Principal Secretaries of State shall have approved the plan of such prison or intended prison;—

It is Enacted,

iv. That it shall be lawful for the Secretary of State to appoint a proper person to be surveyor general of prisons for the purpose of advising the Justices and others having the superintendence of the construction of prisons, and for reporting to the Secretary of State on the several plans which shall be sent to him for his approval as aforesaid, and for the performance of such other duties connected with the construction of prisons as shall be from time to time intrusted to him by the Secretary of State.

v. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LI.

AN ACT to continue, until the End of the Session of Parliament next after the Thirty-first Day of July One thousand eight hundred and forty-six, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

(29th July 1844.)

By this Act,

After reciting that by 3 & 4 Will. 4. c. 16, certain allowances of the duties of Excise paid on soap were granted in respect of soap used in certain manufactures and processes set forth in the said Act, and which allowances were to cease at the end of the session of Parliament next after the 31st of May 1835: and that by other Acts passed in the fifth and sixth years of his said late Majesty King William the Fourth, and in the second and third and also the fifth years of the reign of her present Majesty Queen Victoria, the said allowances (except the allowance for the whitening of new linen in the piece for sale) were continued until the end of the session of Parliament next after the 31st of July 1844: and that it is expedient that the said allowances (except as aforesaid) should be further continued:—

It is Enacted,

That the said allowances (except the allowance of the duty on soap used, employed, or consumed in the whitening of new linen in the piece for sale) shall continue and remain payable until the end of the session of Parliament next after the 31st of July 1846, in like manner as if the same had been made payable until that time by the said first-recited Act.

CAP. LII.

AN ACT to extend the Powers of the Act for the Appointment and Payment of Parish Constables.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act to extend to all liberties having a commission.*
2. *Confirming previous appointments.*
3. *Horses, &c. in service of superintendent constables exempted from toll.*
4. *Exempting such parts of parishes as lie within boroughs, exempted by 5 & 6 Vict. c. 109.*
5. *Act may be amended this session.*

By this Act,

After reciting the passing of 5 & 6 Vict. c. 109, whereby provision was made for the appointment of parochial constables by the Justices of the Peace of every county in England; and that it is expedient that the like authority should be given to the Justices of the Peace of liberties within counties:—

It is Enacted,

i. That after the passing of this Act all the provisions of the said Act shall be extended and apply to every liberty in England having a separate commission of the peace, and not being an incorporated borough, and to the Justices of such liberty, as if such liberty were a county of itself, and as if the said Act were herein re-enacted.

ii. That the constables appointed and sworn to act in any such liberty before the passing of this Act, whether by the Justices of the liberty acting under colour of the powers of the said Act, or at any court leet or torn within such liberty, shall be deemed

to have been well and lawfully appointed; and those persons who shall hold the office of constable in any such liberty at the time of the passing of this Act shall continue to hold their several offices, and to execute the duties thereof, until constables shall be chosen in their stead under the provisions of this Act.

III. That no toll shall be demanded or taken on any turnpike road or bridge for any horse, or police van, carriage, or cart, passing along such road or bridge, in the service of a superintendent constable appointed under the provisions of the said Act, provided that the superintendent constable in charge of such horse, van, carriage or cart, shall produce a certificate of his appointment, signed by the clerk of the peace of the county for which he shall have been so appointed, or shall have his dress according to the regulations of the said county, at the time of claiming the exemption; and every person who shall fraudulently claim or take the benefit of the exemption from toll herein contained not being lawfully entitled thereunto shall for every such offence be liable to a penalty not exceeding 5*l*.; and in all such cases the proof of exemption shall be upon the person claiming the same.

And after reciting that by the said Act it is provided, that nothing therein contained shall apply to certain boroughs and places therein specified: And that doubts have been entertained as to the powers of the Justices to appoint constables for any parish of which part shall be within and part without such exempted borough or place:—

It is Enacted,

iv. That with respect to any such parish the exemptions provided by the said Act shall be deemed only to exempt the men residing within that part of the parish which is within such exempted borough or place from serving as constables under the said Act, or being included in any list to be made out under the said Act, and to disqualify the inhabitants of such part from voting in any division of the vestry under the said Act.

v. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LIII.

AN ACT for Disfranchisement of the Borough of *Sudbury*.

(29th July 1844.)

ABSTRACT OF THE ENACTMENT.

The borough of Sudbury to cease to return members.

By this Act,

After reciting an Act 6 & 7 Vict. c. 97, intituled 'An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of Sudbury,' whereby, after reciting that there was reason to believe that the practice of bribery at elections of members to serve in Parliament for the borough of Sudbury had long prevailed in the said borough, and that bribery to a great extent had been systematically committed there at the last election of members to serve in Parliament, certain Commissioners were therein named and appointed for inquiring into the manner in which the last election of members to serve in Parliament for the said borough had been conducted, and whether any bribery had been committed at such election, and into the particulars of such alleged bribery, as in the said Act is more fully set forth; and by the said Act the said Commissioners were directed from time to time to report to Her Majesty the evidence which should be taken by them, and what they should find concerning the premises: And that the said Commissioners made their Report in writing to Her Majesty, dated the 12th of March in the year 1844, and thereby, after detailing various illegal practices before and during the election, reported finally that systematic and extensive bribery prevailed at the last election of members of Parliament in the said borough:—

It is Enacted,

That the borough of Sudbury in the county of Suffolk shall, from and after the passing of this Act, cease to return any member or members to serve in Parliament.

CAP. LIV.

AN ACT to continue until the First Day of October One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Act to amend the Laws relating to Loan Societies.

(29th July 1844.)

By this Act,

3 & 4 Vict. c. 110. is further continued to the 1st of October in the year 1845, and, if Parliament be then sitting, to the end of the then session of Parliament.

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CAP. LV.

AN ACT to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.

(29th July 1844.)

1. *Provisions of former Acts as to recovery of expenses, costs, &c. to extend to cases where there shall not be an apportionment.*
2. *Persons having a limited beneficial interest only may charge expenses on the lands, &c.*
3. *Where trustee is tenant, and not beneficially interested, the person beneficially interested at the date of confirmation of commutation, &c. shall be deemed beneficially interested.*
4. *Provisions for charging and securing of the consideration money of any enfranchisement to extend to cases in which there shall not be an apportionment, &c.*
5. *Commutations or enfranchisements may be made in consideration of the conveyance of lands, &c. not parcel of the manor, but subject to the same uses as those commuted.*
6. *For supplying vacancies.*
7. *Extending provisions of recited Act to rent-charges under this Act.*
8. *This Act to be construed as a part of the recited Acts.*
9. *Act may be amended this session.*

By this Act,

After reciting the passing of 4 & 5 Vict. c. 35, which was amended and explained by an Act 6 & 7 Vict.; and it is expedient further to amend and explain the said Acts in certain respects:—

It is Enacted,

i. That the provisions of the aforesaid Acts, or either of them, as to the recovery of expenses, costs, and charges to be paid by any tenant, being a trustee, and not beneficially interested in the lands of which he stands admitted tenant, to be affected by any commutation or enfranchisement under the aforesaid Acts or this Act, shall extend as well to cases in which there shall not be an apportionment on commutation or enfranchisement in pursuance of the said aforesaid Acts or this Act, as to cases in which there shall be an apportionment on commutation or enfranchisement in pursuance thereof.

ii. That every person beneficially interested in the said lands, having a limited beneficial interest only, and who shall pay any such expenses, costs, and charges to any tenant, being such trustee as aforesaid, may, with the consent of the Copyhold Commissioners under their hands, and by a simple entry on the court rolls of the manor, and for which entry the steward shall only charge 13s. 4d., and which shall not be subject to any stamp duty, charge such expenses, costs, and charges with interest thereon at the rate of 4l. per centum per annum, on the lands to which the same relate; but so, nevertheless, that the principal charged on such lands be lessened in every year following such charge one-twentieth at least of such original charge, and shall be subject to previous mortgages.

iii. That as to any lands to be affected by any commutation or enfranchisement without apportionment under the aforesaid Acts or this Act, or any of them, of which the tenant, being a trustee and not beneficially interested therein, stands admitted tenant, the person beneficially interested therein at the date of the confirmation of the commutation agreement, or at the date of the conveyance deed, or other assurance by which the enfranchisement is made, as the case may be, shall be deemed, for all purposes in regard to expenses, costs, and charges which any such trustee may have to pay under the aforesaid Acts or this Act, to be the person beneficially interested in such lands within the meaning of the aforesaid Acts and this Act respectively.

iv. That the provisions of the aforesaid Acts, or either of them, charging and securing, and authorizing the charging and securing of the consideration money of any enfranchisement under the said Acts, and the costs of the charges, with interest, and also as to the priority of the charges and securities of or for the same, and otherwise in reference thereto, shall, *mutatis mutandis*, extend as well to cases in which there shall not be an apportionment on enfranchisement in pursuance of the aforesaid Acts or this Act, as to cases in which there shall be an apportionment on enfranchisement in pursuance thereof; and on any enfranchisement where there shall not be such apportionment the charge of the consideration money of the enfranchisement, and the interest thereon, shall commence and be computed from the date of the conveyance, deed, or assurance by which the enfranchisement shall be made.

v. That, in addition and subject to the provisions of the aforesaid Acts or either of them, any commutation or enfranchisement may be made wholly or in part for the consideration of a conveyance of lands, or of any right to mines or minerals, although the said lands or the said right to mines or minerals so to be conveyed shall not be parcel of or situate in or under the lands of the same manor as the lands so to be commuted or enfranchised; provided that the said lands or the said right to mines or minerals can be conveniently held with the same manor in the opinion of the Copyhold Commissioners, and are subject, so far as the difference of tenure may permit, to the same uses and trusts as the lands so to be commuted or enfranchised shall be subject to at the time of such commutation or enfranchisement, or to uses and trusts in correspondence with which the said lands shall be then settled at law or in equity; and that it shall be lawful for the person empowered by the aforesaid Acts to obtain such commutation or enfranchisement to convey the said lands or rights to mines and minerals to the person com-

muting or enfranchising the lands proposed to be commuted or enfranchised, and to his heirs, to the uses, and upon and for the trusts, intents, and purposes, to, upon, and for which the manor of which the lands commuted or enfranchised are parcel shall be subject and held at the time of such commutation or enfranchisement; subject always, as to any leases to which such lands may be subject, to all the provisions of the last-mentioned Act in respect to lands therein permitted to be conveyed.

VII. That in case any trustee nominated by the Copyhold Commissioners under the aforesaid Acts or this Act should be desirous of resigning, or should become incapable of acting, the Commissioners may, if they shall think proper, appoint some other fit person in like manner as if a vacancy had occurred under the provisions of the secondly hereinbefore recited Act.

VIII. That the provisions of the said first hereinbefore recited Act, authorizing distress and entry in cases of nonpayment of rent-charge authorized by the aforesaid Act to be granted, shall extend and be applicable to all rent-charges granted and made payable under and by virtue of the said secondly hereinbefore recited Act or this Act.

IX. That this Act shall be taken and construed to be part of the aforesaid Acts, and that all proceedings which may have been had, and all commutations and enfranchisements which may have taken place, under the said recited Acts or either of them, and all matters and things incident thereto, shall be of the same force, validity, and effect as if the provisions of this Act had been contained in the said first-recited Act.

IX. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. LVI.

AN ACT concerning Banns and Marriages in certain District Churches or Chapels.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Where a district is assigned under last-recited Act the Church Building Commissioners or the bishop to decide as to banns and marriages.*
2. *Proceedings in cases where it shall be determined that banns may be published and marriages solemnized.—How fees to be disposed of.*
3. *The validity of marriages in certain chapels with districts assigned to them not to be questioned.*
4. *Omissions to authorize marriages in chapels may be cured by supplemental order.*
5. *In any representation to the Queen in council, &c. the number of the section of the Act under which such representation, &c. is made need only be recited.*
6. *Every order in council under the Church Building Acts to be inserted in the London Gazette, and registered with a map and description of boundaries, but the map not required to be inrolled in Chancery.—Not to affect 6 & 7 Will. 4. c. 85, as to licensing churches, &c. for solemnization of marriages.*

By this Act,

After reciting the passing of 59 Geo. 3. c. 134, 1 & 2 Will. 4. c. 38, 1 & 2 Vict. c. 107, and 3 & 4 Vict. c. 60: And that doubts are entertained whether banns of matrimony can be published or marriages be solemnized in churches or chapels to which districts have been or may hereafter be assigned under the said recited Act, 1 & 2 Will. 4. c. 38; and it is expedient to remove such doubts:—

It is Enacted,

1. That in every case in which a district has been or shall be assigned to any church or chapel under the provisions of the said last-mentioned Act it shall be lawful for Her Majesty's Commissioners for building New Churches, with the consent of the bishop of the diocese, in every such case as has come or shall come before the said Commissioners under the provisions of the said last-mentioned Act, and for the said bishop in every such other case, to determine whether banns of matrimony shall be published and marriages solemnized in any such church or chapel aforesaid or not.

11. That when and so soon as it shall be determined that banns of matrimony may be published and marriages solemnized in any such church or chapel, the bishop of the diocese within which such church or chapel shall be locally situated, whether in any parish or extra-parochial place, or otherwise, shall certify the same, and such certificate shall be kept in the chest of the church or chapel with the books of registry thereof, and a copy thereof shall be entered in the books of the registry of banns and marriages, and a duplicate of such certificate shall be registered in the registry of the diocese, and such certificate shall be deemed and taken to be conclusive evidence in all courts, and in all questions relating to any banns published or marriages solemnized in any such church or chapel, that the same might according to law respectively be published and solemnized in such church or chapel, and that all banns published and marriages solemnized in any such church or chapel according to the laws and canons in force within this realm in that behalf shall after the granting of such certificate be good to all intents and purposes whatsoever: Provided always, that no banns or marriages respectively published or solemnized according to the laws and canons in force within the realm in that behalf in any church or chapel in which the same are authorized to be respectively published, solemnized, and had by the said recited Acts or this Act, or either of them, shall be invalid by reason of any such

certificate not having been duly given, or registered or entered, as hereinbefore required: Provided also, that all fees, dues offerings, and other emoluments on account of such marriages, whether of right or custom, belonging to the incumbent or clerk of any parish, chapelry, or place in which such church or chapel has been erected, shall be received by or for or on account of such incumbent or clerk respectively, and be paid over to them, except such of the said fees, dues, offerings, or other emoluments, or such portions thereof, as the said Commissioners, with the consent of the bishop of the diocese, the patron, and the said incumbent respectively, in those cases which shall come before the said Commissioners, by order made under their common seal, or the bishop of the diocese alone, with the consent of the patron and incumbent, in all other cases, by order under his hand and seal, shall assign to the minister of such church or chapel; and every such instrument of assignment shall be registered in the registry of the bishop of the diocese within which said church or chapel shall be locally situated: Provided always, that nothing hereinbefore contained shall be construed to take away from existing parish clerks any fees, dues, or emoluments to which they are now by law or custom entitled.

And after reciting that by error, banns have been published, and divers marriages have been solemnized, in chapels with districts assigned to them under the provisions of the hereinbefore recited Acts or some of them, but in which chapels banns could not be legally published, nor marriages by law be solemnized; and it is expedient to remove all doubts, arising from the circumstances aforesaid, touching the validity of such marriages;—

It is Enacted,

III. That banns already published, and marriages already solemnized, in such chapels as aforesaid, shall not hereafter be questioned on account of the said banns having been published, or the said marriages solemnized, in any such chapel as aforesaid; and the minister or ministers who solemnized the same shall not be liable to any ecclesiastical censure, or to any other proceedings or penalties whatsoever, by reason thereof; and the registers of all marriages so solemnized as aforesaid, or copies of such registers, shall be received in all courts of law and equity as evidence of such marriages respectively.

IV. That where a chapelry has been already or shall hereafter be assigned to any chapel under the provisions of the hereinbefore recited Act, 59 Geo. 3. c. 134, and the Order in Council assigning such chapelry does not direct that marriages may be performed in such chapel, it shall be lawful for Her Majesty, by any supplemental Order in Council, on a representation to be made to Her by the said Commissioners, with the consent of the bishop of the diocese, to order that marriages may be performed thereafter in such chapel; and that all the fees arising therefrom, or a part thereof, should thereafter belong and be paid to the minister of such chapel, or after the next avoidance of the parish church, or that all or a portion of such fees should belong and be paid to the incumbent of such parish church; and all the laws in force relating to banns of marriage, and marriages in district chapels, and the registering thereof, shall apply to marriages performed under such supplemental Order in Council.

V. That in any representation to Her Majesty in Council or in any Order of Council to be made thereon, or in any other matter or thing done under their common seal by the said Commissioners under the authority of the hereinbefore recited Acts or any other Act of Parliament, it shall be sufficient to refer to the section or sections as numbered in copies printed by the Queen's printer of the Act or Acts under the authority whereof such representation or Order in Council is made, or such matter or thing done, and it shall not be necessary to recite any of the provisions of such section or sections.

VI. That every Order in Council under the provisions of the hereinbefore recited Acts or any of them, or under the provisions of any other of the Church Building Acts, shall, as soon as may be after the making thereof by Her Majesty in Council, be inserted and published in the *London Gazette* in like manner as any Order in Council made under the Acts regulating the proceedings of the Ecclesiastical Commissioners of England is published in such Gazette, and it shall not be necessary to enrol in the Court of Chancery any map or plan or description of the boundaries of any division or district formed under the provisions of the hereinbefore recited Acts, or any other of the Church Building Acts; and a map or plan on which shall be marked such boundaries, and which shall be sealed with the common seal of the said Commissioners for building New Churches, and the Order in Council annexed thereto, shall be registered in the registry of the diocese in the manner directed by the Act, 3 & 4 Vict. c. 113, intituled, 'An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues,' and shall be subject to such and the like provisions in all respects relating thereto as are contained in the same Act: Provided always, that nothing in this Act contained shall be taken to repeal or affect any of the authorities contained in an Act of Parliament, 6 & 7 Will. 4. c. 85, intituled, 'An Act for Marriages in England,' for licensing any churches or chapels for the solemnization of marriages therein.

CAP. LVII.

AN ACT to continue until the Thirty-first day of *December* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the *Western Coast of New Holland*.

(29th July 1844.)

By this Act, 10 Geo. 4. c. 22, is further continued until the 31st of December 1846, and from thence until the end of the then next session of Parliament.

CAP. LVIII.

AN ACT further to stay, until the End of the next Session of Parliament, Proceedings in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any similar Proceedings being taken under those Statutes during such further limited Time.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Suspending actions for penalties.*
2. *When actions are prosecuted contrary to provisions of this Act a verdict to be found for defendant.*
3. *Continuing provisions of recited Act.*

By this Act,

After reciting the passing of 7 & 8 Vict. c. 3, and that it is expedient that as well all the proceedings which were stayed or suspended, or authorized to be stayed or suspended, by the operation of that Act, should be stayed or suspended for a further period, and that no other proceedings of a like nature should be commenced or proceeded with during such further period:—

It is Enacted,

I. That all the actions, suits, or other proceedings which before the passing of this present Act shall have been brought, commenced, or prosecuted for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred under the provisions of the several Acts of Parliament recited in the said recited Act, or any or either of them, by playing at any of the sports or pastimes mentioned in the Schedule annexed to the said recited Act, or at any *bond fide* variety of any of the said sports, pastimes, or games, or at any sport, pastime, or game of a like or similar description to any of the said sports, pastimes, or games, to which a different name may by general or local usage be appropriated, or by betting on the sides or hands of such as do play thereat, whether any order of any Court or Judge shall have been made therein or not, shall be and the same hereby are stayed and suspended until the end of the next session of Parliament; and that no action, suit, or other proceeding shall be brought, commenced, or prosecuted for the purpose of recovering any forfeiture or pecuniary penalty incurred or supposed to have been incurred, under the provisions of the several Acts recited in the said recited Act, or any or either of them, by playing at any of the said sports or pastimes mentioned in the Schedule annexed to the said recited Act, or at any *bond fide* variety of any of the said sports, pastimes, or games, or at any sport, pastime, or game of a like or similar description to any of the said sports, pastimes, or games, to which a different name may by general or local usage be appropriated, or by betting on the sides or hands of such as do play thereat, previously to the end of the next session of Parliament.

II. That in case any such action or actions which have already been commenced shall be further prosecuted, or in case any such action or actions shall be commenced after the passing of this Act, it shall be lawful for the defendant or defendants in any such action or actions to plead the general issue, and to give this Act in evidence under it; and thereupon the Judge before whom such action or actions shall be tried shall direct, and he is hereby authorized and empowered to direct, a verdict or verdicts and judgment or judgments to be entered for such defendant or defendants.

III. That all the said recited Act of the present session of Parliament, so far as it relates to all other powers, provisions, matters, and things therein contained, shall continue in force until the end of the next session of Parliament.

CAP. LIX.

AN ACT for better regulating the Offices of Lecturers and Parish Clerks.

(29th July 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Lecturers or preachers may be required to perform other clerical duties in certain cases.—Saving the rights of present holders.*
2. *Power to appoint persons in holy orders to the office of church clerk, and to require such persons to act as assistant curates, if necessary.*
3. *Such person to be licensed by the bishop, and when appointed otherwise than by the bishop to be subject to the approval of the incumbent.*
4. *Appointments of assistant clergy under this Act not to exempt incumbents from the duty of providing curates in cases where they are now liable.*
5. *Power to suspend or remove church clerks not in holy orders who may be guilty of neglect or misbehaviour.*
6. *Power to remove person ceasing to be employed as mentioned in this Act from premises held by him in right of his employment.*

By this Act,

After reciting that in divers districts, parishes, and places there now are or hereafter may be certain lecturers or preachers in the holy orders of deacon or priest of the united church of England and Ireland elected or otherwise appointed to deliver or preach lectures or sermons only, without the obligation of performing other clerical or ministerial duties: and that it is expedient in many cases that such lecturers or preachers should be authorized and required to perform other clerical and ministerial duties, and to act, if necessary, as assistant curates, in such districts, parishes, or places:—

It is Enacted,

I. That from and after the passing of this Act it shall be lawful for the bishop of the diocese wherein any such lecturer or preachers shall be so elected or appointed as aforesaid, if he shall think fit, with the assent of the incumbent of every such district, parish, or place, to require, by writing under his hand and seal, any such lecturer or preacher to undertake and perform such other clerical or ministerial duties, as assistant curate or otherwise, within such district, parish, or place, as the said bishop, with the assent of such incumbent as aforesaid, shall think proper, and also to vary from time to time, if necessary, and with the like assent, the particular duties so required to be performed as aforesaid; and in case such lecturer or preacher shall at any time refuse or neglect duly and faithfully to perform such additional duties, and to act in the manner required by the said bishop as aforesaid, it shall be lawful for the said bishop to summon the said lecturer or preacher to appear before him, and thereupon the said bishop, with the assistance of one at least of the archdeacons and also of the chancellor of such diocese, shall proceed summarily to inquire into the facts of the case, and to adjudicate thereon, and, if necessary, to suspend or remove the said lecturer or preacher from his said office, and to declare the same vacant; but nevertheless such lecturer or preacher may, within fourteen days next after the passing or making of any such sentence or declaration, appeal therefrom to the archbishop of the province, who shall thereupon forthwith summarily hear and determine the same; and if no such appeal be made within the time aforesaid, or if the said sentence or declaration shall upon such appeal be affirmed by the said archbishop, the said bishop shall then cause the same to be forthwith duly published in the church or chapel wherein the said lecturer or preacher hath been used to deliver or preach his said lectures or sermons by virtue of his said office, and thereupon the said office shall be and be deemed to be vacant, and the parties entitled to elect or appoint a person to the same shall be entitled and required to elect or appoint a successor thereto, in the same manner as if the said lecturer or preacher were dead, and the right and interest of such lecturer or preacher to and in the said office, and to and in all the emoluments and advantages thereof, shall wholly cease and determine; provided that nothing herein contained shall affect or be deemed applicable to any lecturer or preacher who shall have been elected or appointed to his said office before the passing of this Act, unless such lecturer or preacher shall consent to be bound thereby.

II. That when and so often after the passing of this Act as any vacancy shall occur in the office of church clerk, chapel clerk, or parish clerk, in any district, parish, or place, it shall be lawful for the rector or other incumbent or other the person or persons entitled for the time being to appoint or elect such church clerk, chapel clerk, or parish clerk as aforesaid, if he shall think fit, to appoint or elect a person in the holy orders of deacon or priest of the united church of England and Ireland to fill the said office of church clerk, chapel clerk, or parish clerk; and such person so appointed or elected as aforesaid shall, when duly licensed as hereinafter provided, be entitled to have and receive all the profits and emoluments of and belonging to the said office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical duties within such district, parish, or place as the said rector or other incumbent, with the sanction of the bishop of the diocese, may from time to time require; but such person in holy orders so appointed or elected as aforesaid shall not by reason of such appointment or election have or acquire any freehold or absolute right to or interest in the said office of church clerk, chapel clerk, or parish clerk, or to or in any of the profits or emoluments thereof, but every such person in holy orders so appointed or elected as aforesaid shall at all times be liable to be suspended or removed from the said office, in the same manner and by the same authority, and for such or the like causes, as those whereby any stipendiary curate may be lawfully suspended or removed; such suspension or removal nevertheless being subject to the same power of appeal to the archbishop of the province to which any stipendiary curate is or may be entitled.

III. Provided and enacted, That every such appointment or election as last aforesaid, if made by any other person or persons than the rector or other incumbent of such district, parish, or place, shall be subject to the consent and approval of such rector or other incumbent of such district, parish, or place; and that no person in holy orders so appointed or elected as aforesaid, shall be competent to perform any of the duties of his said office, or any other spiritual or ecclesiastical duties, within such district, parish, or place, or to receive or take any of the profits or emoluments of his said office, unless and until he shall have duly obtained from the bishop of the diocese within which such district, parish, or place is situate such licence and authority in that behalf as are required and usual in respect of stipendiary curates; but nevertheless such licence and authority, when so obtained as aforesaid, shall entitle the person so obtaining it to hold the said office, and to receive and take the profits and emoluments thereof, as aforesaid, until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other re-appointment or re-election thereto.

IV. Provided and enacted, That no rector or other incumbent of any district, parish, or place wherein any such person or persons shall be so employed as aforesaid, or wherein any lecturer or preacher shall have been required to undertake and perform other clerical and ministerial duties, in the manner hereinbefore provided, or wherein any person in holy orders shall have been appointed or elected to fill the office of church clerk, chapel clerk, or parish clerk, as aforesaid, shall by reason of any such provisions be exempt from any duty or obligation of employing within the same district, parish, or place any curate or other assistant to which by any law, statute, canon, or usage he is or may be already liable; but it shall be lawful for the bishop of the diocese from time to time to require every such rector or other incumbent to provide, or for the said bishop to nominate and license, such other curates and assistants to officiate within every such district, parish, or place, in addition, either to the person or persons so intended to be employed as aforesaid, or to such lecturer or preacher, or to such church clerk, chapel clerk, or parish clerk, and to make regulations for the payment of the stipends of such other curates and assistants, as fully and in the same manner and subject to the same restrictions as he might have done by law if this Act had not been passed.

v. That if at any time it shall appear, upon complaint or otherwise, to any archdeacon or other ordinary that any person not in holy orders, holding or exercising the office of church clerk, chapel clerk, or parish clerk in any district, parish, or place within and subject to his jurisdiction, has been guilty of any wilful neglect of or misbehaviour in his said office, or that by reason of any misconduct he is an unfit and improper person to hold or exercise the same, it shall be lawful for such archdeacon or other ordinary forthwith to summon such church clerk, chapel clerk, or parish clerk to appear before him, and also by writing under his hand, or by such process as is commonly used in any of the Courts Ecclesiastical for procuring the attendance of witnesses, to call before him all such persons as may be competent to give evidence or information respecting any of the matters imputed to or charged against such church clerk, chapel clerk, or parish clerk as aforesaid; and such archdeacon or other ordinary shall and may, if he see fit, examine upon oath, to be by him administered in that behalf, any of the persons so appearing or attending before him respecting any of the matters aforesaid, and shall and may thereupon summarily hear and determine the truth of the matters so imputed to or charged against such church clerk, chapel clerk, or parish clerk as aforesaid; and if upon such investigation it shall appear to the satisfaction of such archdeacon or other ordinary that the matters so imputed to or charged against such church clerk, chapel clerk, or parish clerk are true, it shall be lawful for the said archdeacon or other ordinary forthwith to suspend or remove such church clerk, chapel clerk, or parish clerk from his said office, and by certificate under his hand and seal directed to the rector or other officiating minister of the parish, district, or place wherein such church clerk, chapel clerk, or parish clerk held or exercised his said office, to declare the said office vacant, and a copy of such certificate shall thereupon, by such rector or other officiating minister, be affixed to the principal door of the church or chapel in which the said church clerk, chapel clerk, or parish clerk usually exercised his said office; and the person or persons who upon the vacancy of such office are entitled to elect or appoint a person to fill the same, shall and may forthwith proceed to elect or appoint some other person to fill the same in the place of the said church clerk, chapel clerk, or parish clerk so removed as aforesaid: Provided always, that the exercise of such office by a sufficient deputy who shall duly and faithfully perform the duties thereof, and in all respects well and properly demean himself, shall not be deemed a wilful neglect of his office on the part of such church clerk, chapel clerk, or parish clerk, so as to render him liable, for such cause alone, to be suspended or removed therefrom.

vi. That in case any person, having ceased to be employed in any of the offices or duties in this Act mentioned or referred to, or having been duly suspended or removed from any such office or employment as aforesaid, shall at any time refuse or neglect to give up the possession of any house, building, land, or premises, or any part or parcel thereof, by him held or occupied by virtue or in respect of any such office or employment as aforesaid, it shall be lawful for the bishop of the diocese, upon complaint thereof to him made, to summon such person forthwith personally to appear before him, and to shew cause for such refusal or neglect; and upon the failure of the person so summoned as aforesaid to obey such summons, or, upon his appearance, to shew to the said bishop such cause as may be deemed by the said bishop sufficient for such refusal or neglect, the said bishop shall thereupon grant a certificate of the facts aforesaid, under his hand and seal, to the person or persons entitled to the possession of such house, building, land, or premises as aforesaid, who may thereupon go before any neighbouring justice of the peace; and such justice, upon production of such certificate, and proof of such wrongful retention of possession as aforesaid, shall and he is hereby required to issued his warrant under his hand and seal, directed to the constables or other peace officers of the district, parish, or place within which such house, building, land, or premises is or are situate, or to the constables or other peace officers of any neighbouring district, parish, or place, requiring them forthwith to expel and remove from the said house, building, land, or premises, and from every part and parcel thereof, the person so wrongfully retaining possession thereof, and to deliver the peaceable possession thereof to the person or persons so entitled to the same as aforesaid; and such constables or other peace officers shall and they are hereby required promptly and effectually to obey and execute such warrant, according to the exigency thereof, and thereupon it shall be lawful for them also to levy, upon the goods and chattels of the person so by them expelled and removed as aforesaid, the necessary costs and expenses of executing such warrant, the amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said justice of the peace by whom the said warrant was so issued as aforesaid, or by any other justice of the peace residing in or near to the said district, parish, or place, whose decision thereupon shall be final, and who is hereby authorized to make such order in that behalf as to him shall seem reasonable.

CAP. LX.

AN ACT to provide for the Care and Preservation of *Trafalgar Square* in the City of *Westminster*.
(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Trafalgar Square* and the works thereon vested in Her Majesty.
2. Care and management of the square, and of all works thereon vested in the Commissioners of Woods, &c.
3. Powers of 10 Geo. 4. c. 44. and 2 & 3 Vict. c. 47. extended to this Act.
4. Act may be amended this session.
5. Public Act.

By this ACT,

After reciting that the Queen's most excellent Majesty, in right of her Crown, is seized to herself, her heirs and successors of the place or square called *Trafalgar Square*, in the parish of *Saint Martin-in-the-Fields* in the city of *Westminster* and

county of Middlesex: And that such place or square has recently been formed, laid out, embellished, and ornamented, at the public expense: And that upwards of 20,000*l.* have been collected by private subscription, and expended towards the erection of a column in the said square to commemorate the public services of the late Vice Admiral Lord Viscount Nelson; and it is expedient that provision should be made for the care and preservation thereof, and for the ornamental and other work, matters, and things erected upon or around the same, as hereinafter mentioned:—

It is Enacted,

I. That the said place or square called Trafalgar Square, and all the ornamental and other works, matters, and things now being or which may hereafter be placed or erected in, upon, about, or around the same, shall be and the same are by this Act vested in the Queen's most excellent Majesty, her heirs and successors, as part and parcel of the hereditary possessions and revenues of Her Majesty in right of her Crown, within the ordering and survey of the Court of Exchequer.

II. That the care, controul, management, and regulation of the said place or square, and of all ornamental and other works, matters, and things now being or which may hereafter be placed or erected in, upon, or about or around the same, shall be and the same are by this Act vested in the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the said Commissioners shall and they are hereby required, by and out of such monies as may from time to time be placed at Her Majesty's disposal for that purpose by authority of Parliament, to well and sufficiently pave, light, cleanse, water, repair, and keep in good order and condition the said place or square, and all ornamental and other works, matters, and things now being or which may hereafter be placed or erected in, upon, about, or around the same, any law, statute, custom, or usage to the contrary in anywise notwithstanding.

III. That all the clauses and provisions of an Act, 10 Geo. 4. c. 44, intituled, 'An Act for improving the Police in and near the Metropolis,' and of another Act, 2 & 3 Vict. c. 47, intituled 'An Act for further improving the Police in and near the Metropolis,' shall extend and apply to this Act, and to the said place or square, and to the works, matters, or things for the time being in, upon, about, or around the same, so far as such clauses and provisions are not repugnant to or inconsistent with the provisions of this Act.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

V. That this Act shall be deemed to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. LXI.

AN ACT to annex detached parts of Counties to the Counties in which they are situated.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Detached portions of counties to be part of the county by which they are surrounded.*
2. *Detached parts to belong to adjoining hundred, &c., or to form a separate hundred.*
3. *Provision as to special and petty sessions.*
4. *Error in stating name of county not to invalidate legal documents.*
5. *Saving of ecclesiastical rights.*
6. *Saving the rights of certain coroners.*
7. *Act not to extend to alter or affect the land tax or assessed taxes in detached portions of counties.*
8. *Act may be amended this session.*

By this Act,

After reciting that there exist in England and Wales parts of counties detached from the main body of the county, and delay and hindrance to the administration of justice ensue, and inconvenience in other respects; and it is desirable to remedy the said evil:—

It is Enacted,

I. That from and after the 20th of October next, every part of any county in England or Wales which is detached from the main body of such county shall be considered for all purposes as forming part of that county of which it is considered a part for the purposes of the election of members to serve in Parliament as knights of the shire, under the provisions of an Act, 2 & 3 Will. 4. c. 64, intituled, 'An Act to settle and to describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament:' Provided always, that nothing herein contained shall be construed to alter the county, riding, or division to which any such detached part shall be deemed to belong for the purpose of holding inquests, under the provisions of an Act, 6 & 7 Vict. c. 12, intituled, 'An Act for the more convenient holding of Coroners Inquests.'

II. That every such detached portion which under the provisions of this Act shall be annexed for purposes other than that of voting for Members of Parliament to any county to which it did not belong for such purposes before the passing of this Act

shall thenceforth be taken to be part of the hundred, wapentake, ward, rape, lathe, or other like division by which it is wholly or for the most part surrounded, or to which it is next adjoining, in the county to which it will thenceforth belong, unless the Justices of the county, riding, parts, or division, in General or Quarter Session assembled, shall declare it to be a new or separate hundred or other like division, which they shall be empowered to do; and it shall be lawful for the Justices of such county, riding, parts, or division, in General or Quarter Sessions assembled, in every case in which there shall appear to them to be any doubt to which of such divisions any such detached part shall belong under this Act, to declare the division to which it shall be taken to belong; and such determination shall be final and conclusive, and shall be published in the *London Gazette*, the production of which paper shall be evidence thereof.

III. That in all cases where any such detached part of a county shall have formed before the passing of this Act a separate division, in which special and petty sessions of the peace for such county shall have been usually holden, such detached part shall remain a separate division for special and petty sessions of the county to which it shall be annexed after the passing of this Act, until the Justices of the county, riding, parts, or division to which it shall be annexed after the passing of this Act shall have reconstituted such division for special and petty sessions of the peace under the provisions of an Act, 9 Geo. 4. c. 43, intituled, 'An Act for the better regulation of Divisions in the several Counties of England and Wales,' and also of an Act, 6 & 7 Will. 4. c. 12, intituled, 'An Act for amending an Act of the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled, "An Act for the better regulation of Divisions in the several Counties of England and Wales."'

IV. Provided and enacted, That no judicial proceeding, or deed or other instrument in writing, shall be invalidated by reason of any error in stating the name of the county to which such detached portion originally belonged, instead of the county to which it will belong under this Act, or the converse; and that every proceeding at law, whether civil or criminal, already commenced, or to be commenced before the 20th of October next, shall and may be prosecuted and heard and determined exactly as if this Act had not been passed, save and except in so far as it shall be otherwise ordered by any of Her Majesty's superior courts of common law having jurisdiction in any case in which such order shall be made.

V. Provided and enacted, That nothing herein contained shall alter or interfere with any ecclesiastical jurisdiction or right of patronage.

And after reciting that as to some such detached parts there are coroners appointed expressly for and having jurisdiction in such detached parts only:—

It is Enacted,

VI. That as to every such detached part for which at the time of the passing of this Act there is a coroner appointed for and acting in such detached part, such coroner shall during his life, or until he shall resign or be removed from his office, continue to hold and exercise his office and jurisdiction within such detached part in as ample a manner as if this Act had not been passed.

VII. Provided and enacted, That nothing herein contained shall be construed to affect or alter the assessments of the land tax or assessed taxes in or for any such detached portion of a county, or to extend or diminish the jurisdiction of any commissioners acting therein in the execution of the Acts relating to the said taxes respectively, but that all such detached portions shall be subject in that behalf to the jurisdiction of the commissioners acting for the same county or district as they would have been subject to if this Act had not been passed; and all parishes and parts of parishes and places, and all manors, lands, tenements, and hereditaments within any such detached portion, shall continue chargeable towards raising the land tax charged upon the same county or other district to or in aid of which they have heretofore contributed a quota or portion of such land tax.

VIII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LXII.

AN ACT to amend the Law as to burning Farm Buildings.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Setting fire to any farm building.*
2. *Setting fire to farm produce or implements in farm buildings.*
3. *Males under eighteen years of age may be whipped in addition to any other sentence.*
4. *Act deemed part of the recited Act.*
5. *Act may be amended this session.*

By this ACT,

After reciting that by 7 Will. 4. & 1 Vict. c. 89, it is enacted, that whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop-oast, barn, or granary, or to any

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building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years; but it hath been doubted whether the provisions of the recited Act extend to the offence of unlawfully and maliciously setting fire to any hovel or shed not being appendant to any house:—

It is Enacted,

I. That whoever shall unlawfully and maliciously set fire to any hovel, shed, or fold, or to any farm building, or any building or erection used in farming land, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

II. That whosoever shall unlawfully and maliciously set fire to any hay, straw, wood, or other vegetable produce being in any farm house or farm building, or to any implement of husbandry being in any farm house or farm building, with intent thereby to set fire to such farm house or farm building, and to injure or defraud any person, shall be liable to the pains and penalties of unlawfully and maliciously setting fire to the said farm house or farm building with intent thereby to injure or defraud such person.

III. That every male person under the age of eighteen years who shall be convicted of any offence under this Act shall be liable, at the discretion of the Court before which he shall be convicted, in addition to any other sentence which may be passed upon him, to be publicly or privately whipped, in such manner, and as often, not exceeding thrice, as the Court shall direct.

IV. That this Act shall be deemed a part of the recited Act.

V. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXIII.—IRELAND.

AN ACT to continue until the First Day of *June* One thousand eight hundred and forty-five an Act of the Second and Third Years of His late Majesty, for restraining for Five Years, in certain Cases, Party Processions in *Ireland*.

(6th August 1844.)

I. By this Act, 2 & 3 Will. 4. c. 118. is continued until the 1st of June 1845.

II. Act may be altered this session.

CAP. LXIV.

AN ACT to provide for paying off such of the Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures which are to be paid off under Two Acts passed in the present Session of Parliament.

(6th August 1844.)

ABSTRACT OF THE ENACTMENT.

The Treasury may direct the payment of such sum as may be required for paying off holders of 3l. 10s. per cents. non-assenting or dissenting.

By this Act,

After reciting that in pursuance of 7 & 8 Vict. c. 4, and 7 & 8 Vict. c. 5, certain prescribed periods of time are allowed under the first of the said recited Acts for parties to notify their assent to the conversion of their said annuities into other annuities, as described in the said Act, but that parties not so signifying their assent shall be paid off and receive the sum of 100l. for every 100l. of such 3l. 10s. per centum annuities 1818: and certain prescribed periods of time are also allowed, under the second of the said recited Acts, for parties to signify their dissent to the conversion of their said annuities into other annuities, as described in the said second-recited Act; and it is necessary to provide for paying off such parties as shall not signify their assent according to the first-recited Act, or shall signify their dissent according to the secondly-recited Act:—

It is Enacted,

1. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, by warrant under the hands of any three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing produce thereof, from time to time, such sum or sums of money as shall be required for paying off any of such parties as shall not signify their assent according to the said first-recited Act, or shall signify their dissent according to the said second-recited Act.

CAP. LXV.

AN ACT to enable the Council of His Royal Highness *Albert Edward* Prince of *Wales* to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of *Cornwall*, to purchase other Lands; and for other Purposes.

(6th August 1844.)

This ACT contains the following clauses:—

- I. The council of His Royal Highness empowered to sell lands, &c.
- II. Mode of carrying sales into effect.
- III. Power to enfranchise copyhold or customary lands.
- IV. Corporations empowered to purchase rents charged on their own lands.
- V. Trustees for incapacitated persons empowered to purchase rents and to enfranchise lands; but if the purchase money exceeds 200*l.*, with sanction of a court of equity.
- VI. Tenant of particular estates authorized to raise money to redeem quit rents, manorial rights, &c., and for the purchase of enfranchisements: but if the money raised shall exceed 200*l.*, with the sanction of a court of equity.
- VII. The council may exchange lands.
- VIII. Power to give or receive money for equality of exchange.
- IX. Council may purchase lands, &c.
- X. The council may purchase leases.
- XI. Leases purchased under the authority of this Act may either be merged or kept on foot.
- XII. Powers of sale and exchange to extend to leases purchased.
- XIII. Incorporated persons empowered to sell.
- XIV. Application of purchase money in case of purchase from persons incapacitated.
- XV. Similar provision as to monies to be received for equality of exchange.
- XVI. Persons in possession to be deemed entitled till the contrary be shewn.
- XVII. The council to cause all sums received by the receiver general, under this Act, &c. to be paid into the Bank.
- XVIII. Application of the monies to arise from sales, &c.
- XIX. Payments to be made by drafts on the Bank of England, and such drafts to be an authority to the Bank.
- XX. Sums arising from sales, and not immediately wanted, to be invested in the three per cents.
- XXI. Application of dividends of stock.
- XXII. Stock may be sold when wanted.
- XXIII. Transfers may be made by power of attorney.
- XXIV. The council may apply the ordinary revenues of the duchy for the general purposes of the Act.
- XXV. His Royal Highness may grant licences to copyholders to improve their tenements, and to demise the same.
- XXVI. His Royal Highness may make grants of land for sites for churches, &c.
- XXVII. Sales, &c. not to be made except under warrant from the Treasury.
- XXVIII. Purchasers, &c. not to be bound to see that provisions of the Act have been complied with;
- XXIX. Nor to see to the application of the purchase money.
- XXX. Deeds, &c. relating to lands, &c. to be inrolled.
- XXXI. Keeper of the records to inrol all deeds, &c. in due order of time, and to certify the same.
- XXXII. Exception as to conveyances on sales under 100*l.*
- XXXIII. Deeds, &c. so inrolled not to require any inrolment in courts of law, &c.
- XXXIV. Inrolments to be received as evidence.
- XXXV. The council may authorize inrolments to be made *nunc pro tunc*.
- XXXVI. The Act not to affect fees on inrolments, &c.; the amounts whereof to be fixed by the council.
- XXXVII. For the enforcement of certain covenants in existing leases.

xxxviii. An officer of the duchy to be appointed to controul execution of leases.

xxxix. As to the performance of duties imposed on certain officers.

xl. For securing the use of certain rooms in or belonging to the Town Hall of Truro for the vice warden and officers of the Court of the Stannaries of Cornwall.

xli. Her Majesty may exercise the powers vested in the Prince by this Act.

xlvi. Contracts, &c. may be made by any three members of the council.

xlii. Certain licences to search for minerals not subject to stamp duty.

xliii. Interpretation of Act.

xliv. Act may be amended this session.

CAP. LXVI.

AN ACT to amend the Laws relating to Aliens.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Provisions of recited Acts inconsistent herewith repealed.*
2. *Certain provision of 1 Geo. 1. c. 4. repealed.*
3. *Every person born of a British mother capable of holding real or personal estate.*
4. *Alien friends may hold every species of personal property except chattels real.*
5. *Subjects of a friendly state may hold lands, &c. for the purpose of residence, &c. for twenty-one years.*
6. *Aliens to become naturalized upon obtaining certificate, taking prescribed oath, and becoming residents in the United Kingdom.*
7. *Aliens desirous of becoming naturalized to present a memorial.*
8. *Memorial to be considered by the Secretary of State for the Home Department ;—who may issue a certificate.*
9. *Certificate to be inrolled in Court of Chancery.*
10. *Oath to be taken.*
11. *Proceedings for obtaining certificate.*
12. *Amount of fees to be payable.*
13. *Naturalized persons resident five years to enjoy rights as aliens.*
14. *Act not to affect pre-existing rights.*
15. *Act not to take away rights of aliens.*
16. *Women married to natural born subjects deemed naturalized.*
17. *Act may be amended this session.*

By this Act,

After reciting the passing of 12 & 13 Will. 3. c. 2, 1 Geo. 1. sess. 2. c. 4, and 14 Geo. 3. c. 84,—

It is Enacted,

i. That such parts of the said recited Acts of Parliament as are inconsistent with the provisions of this Act shall be repealed.

ii. That so much of the said Act of 1 Geo. 1. c. 4. as provides, that no person shall hereafter be naturalized unless in the Bill exhibited for that purpose there shall be a clause or particular words inserted to declare that such person shall not thereby be enabled to be of the Privy Council, or a member of either House of Parliament, or to take any office either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown to himself or any other person in trust for him, and that no Bill of Naturalization shall hereafter be received in either House of Parliament unless such clause or words be first inserted, be repealed.

iii. That every person now born, or hereafter to be born, out of Her Majesty's dominions, of a mother being a natural-born subject of the United Kingdom, shall be capable of taking to him, his heirs, executors, or administrators, any estate, real or personal, by devise or purchase, or inheritance of succession.

iv. That from and after the passing of this Act every alien, being the subject of a friendly state, shall and may take and hold, by purchase, gift, bequest, representation, or otherwise, every species of personal property, except chattels real, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, privileges, and capacities, as if he were a natural-born subject of the United Kingdom.

v. That every alien now residing in, or who shall hereafter come to reside in, any part of the United Kingdom, and being the subject of a friendly state, may, by grant, lease, demise, assignment, bequest, representation, or otherwise, take and hold any lands, houses, or other tenements, for the purpose of residence or of occupation by him or her, or his or her servants, or for the purpose of any business, trade, or manufacture, for any term of years not exceeding twenty-one years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, except the right to vote at elections for Members of Parliament, as if he were a natural-born subject of the United Kingdom.

VI. That upon obtaining the certificate and taking the oath hereinafter prescribed every alien now residing in, or who shall hereafter come to reside in, any part of Great Britain or Ireland with intent to settle therein, shall enjoy all the rights and capacities which a natural-born subject of the United Kingdom can enjoy or transmit, except that such alien shall not be capable of becoming of Her Majesty's Privy Council, nor a member of either House of Parliament, nor of enjoying such other rights and capacities, if any, as shall be specially excepted in and by the certificate to be granted in manner hereinafter mentioned.

VII. That it shall be lawful for any such alien as aforesaid to present to one of Her Majesty's Principal Secretaries of State a memorial, stating the age, profession, trade, or other occupation of the memorialist, and the duration of his residence in Great Britain or Ireland, and all other the grounds on which he seeks to obtain any of the rights and capacities of a natural-born British subject, and praying the said Secretary of State to grant to the memorialist the certificate hereinafter mentioned.

VIII. That every such memorial shall be considered by the said Secretary of State, who shall inquire into the circumstances of each case, and receive all such evidence as shall be offered, by affidavit or otherwise, as he may deem necessary or proper for proving the truth of the allegations contained in such memorial; and that the said Secretary of State, if he shall so think fit, may issue a certificate, reciting such of the contents of the memorial as he shall consider to be true and material, and granting to the memorialist (upon his taking the oath hereinafter prescribed) all the rights and capacities of a natural-born British subject, except the capacity of being a member of the Privy Council or a member of either House of Parliament, and except the rights and capacities (if any) specially excepted in and by such certificate.

IX. That such certificate shall be inrolled for safe custody as of record in Her Majesty's High Court of Chancery, and may be inspected, and copies thereof taken, under such regulations as the Lord High Chancellor shall direct.

X. That, within sixty days from the day of the date of such certificate, every memorialist to whom rights and capacities shall be granted by such certificate shall take and subscribe the following oath; (that is to say.)

'I *A. B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which may be made against Her Person, Crown, or Dignity; and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my Power the Succession of the Crown, which Succession, by an Act, intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia* Electress of *Hanover*, and the Heirs of her Body, being Protestants, hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm.
So help me GOD.'

Which Oath shall be taken and subscribed by such memorialist, and shall be duly administered to him or her, before any of Her Majesty's Judges of the Court of Queen's Bench or Court of Common Pleas or Court of Exchequer, or before any Master or Master Extraordinary in Chancery; and that the Judge or Master or Master Extraordinary in Chancery, whether in England or in Ireland, before whom such oath may be administered, shall grant to the memorialist a certificate of his or her having taken and subscribed such oath accordingly; and such certificate shall be signed by the Judge, Master or Master Extraordinary in Chancery, before whom such oath shall be administered.

XI. That the several proceedings hereby authorized to be taken for obtaining such certificate as aforesaid shall be regulated in such manner as the Secretary of State shall from time to time direct.

XII. That the fees payable in respect of the several proceedings hereby authorized shall be fixed and regulated by the Commissioners of Her Majesty's Treasury.

XIII. That all persons who shall have been naturalized before the passing of this Act, and who shall have resided in the United Kingdom during five successive years, shall be deemed entitled to and shall enjoy all such rights and capacities of British subjects as may be conferred on aliens by the provisions of this Act.

XIV. Provided and enacted, That nothing in this Act shall prejudice, or be construed to prejudice, any rights or interests in law or in equity, whether vested or contingent, under any will, deed, or settlement executed by any natural-born subject of Great Britain or Ireland before the passing of this Act, or under any descent or representation from or under any such natural-born subject who shall have died before the passing of this Act.

XV. That nothing herein contained shall be construed so as to take away or diminish any right, privilege, or capacity heretofore lawfully possessed by or belonging to aliens residing in Great Britain or Ireland, so far as relates to the possession or enjoyment of any real or personal property, but that all such rights shall continue to be enjoyed by such aliens in as full and ample a manner as such rights were enjoyed before the passing of this Act.

XVI. That any woman married or who shall be married to a natural-born subject or person naturalized shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural-born subject.

XVII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. LXVII.—IRELAND.

AN ACT to transfer the Collection of the Duty on Licences to let Horses for hire in *Ireland* from the Commissioners of Stamps to the Commissioners of Excise.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Duties of 55 Geo. 3. c. 19. on licences for letting horses to hire in Ireland put under the management of the Commissioners of Excise.*
2. *Powers of former Acts relating to such Licences to be put in force by the Commissioners of Excise.*
3. *Powers of Excise Acts to be put in force with respect to the duty transferred.*
4. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to transfer the collection and management of the duty upon licences for letting horses to hire by the mile or stage for the purpose of travelling post, in Ireland, from the Commissioners of Stamps to the Commissioners of Excise:—

It is Enacted,

I. That from and after the passing of this Act the duty granted and made payable by an Act, 55 Geo. 3. c. 19, intituled 'An Act to grant certain Duties of Excise upon Licences for the sale of spirituous and other Liquors by Retail, and upon Licences to Persons dealing in exciseable Commodities, in Ireland, in lieu of the Stamp Duties payable upon such Licences, and to secure the payment of such Excise Duties, and to regulate the issuing of such Licences, and to discourage the immoderate Use of spirituous Liquors in Ireland,' and the schedule to the said Act annexed, upon or in respect of licences to persons to let to hire any horse for the purpose of travelling post by the mile, or from stage to stage, in Ireland, shall continue in force, and shall be under the collection and management of the Commissioners of Excise, and shall be denominated and taken to be Excise duties, and shall be paid and payable in British currency.

II. That all and singular the powers and authorities, rules, regulations, and directions, in anywise relating to the granting any such licences as aforesaid, or to the duty upon or in respect of such licences, contained in the said hereinbefore recited Act, or in any other Act or Acts relating to such duty or licences respectively, in force on or immediately before the passing of this Act, (except so far as the same shall be inconsistent with the express provisions of this Act,) shall be used, executed, exercised, and put in force for the securing and collecting of such duty as aforesaid, and for the granting of any such licences, respectively by the Commissioners of Excise, as fully and effectually, to all intents and purposes, as if all and singular such powers and authorities had been originally given and granted to such Commissioners of Excise and as if the same were repeated and re-enacted in this Act; and it shall be lawful for such Commissioners of Excise to grant such licences and to manage such duties respectively in like manner as the Commissioners of Stamps might have done before the passing of this Act under and by virtue of the said Acts; and that all fines, penalties, and forfeitures imposed by any such Act or Acts in respect of any such matter or thing to be done, or refused or neglected to be done, by any person or persons, in anywise relating to such duty or licences, shall be incurred and forfeited, and shall and may be sued for, recovered, levied, mitigated, and applied upon or in respect of the doing or neglecting or refusing to do any acts, matters, or things relating to the said duty and licences by this Act placed under the management of the said Commissioners of Excise.

III. That all powers, provisions, clauses, regulations, and directions, and all fines, forfeitures, pains, and penalties contained in and imposed by any Act or Acts in force immediately before the passing of this Act, in relation to any of the duties under the collection and management of the Commissioners of Excise, so far as the said Acts or any of them can be made applicable to the said duty on such licences as aforesaid, shall be of full force and effect, and shall be observed, applied, enforced, and put in execution with respect to the duty by this Act placed under the management of the said Commissioners of Excise, as fully and effectually, to all intents and purposes, as if all such powers and authorities, rules, regulations, and directions, provisions, fines, pains, penalties, and forfeitures, had been repeated and specially enacted in this present Act, and had been applied to the duty by this Act continued in force and placed under the management of the said Commissioners of Excise.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LXVIII.

AN ACT to suspend, until the Thirty-first Day of *December* One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of such Jurisdictions.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Temporary provisions relating to Ecclesiastical Courts continued.*
2. *Registrars of Ecclesiastical Courts to make certain returns to Secretary of State.*
3. *Registrars to report on state of offices to Secretary of State, who may direct surveys.*
4. *Registrar who to include.*
5. *Act may be amended this session.*

By this Act,

After reciting that 6 & 7 Will. 4. c. 77. contains certain temporary provisions relating to the state and jurisdiction of all the ecclesiastical courts in England and Wales: And that the said provisions have been from time to time continued by certain other Acts of Parliament, and were, by 6 & 7 Vict. c. 60, further continued, and now stand continued until the 1st of October next, and it is expedient that they should be further continued for a limited time:—

It is Enacted,

- I. That the said hereinbefore mentioned provisions shall continue and be in force until the 31st of December 1847: Provided always, that any bishop or archdeacon may hold visitations of the clergy within the limits of his diocese or archdeaconry, and at such visitations may admit churchwardens, receive presentments, and do all other acts, matters, and things by custom appertaining to the visitation of bishops and archdeacons in the places assigned to their respective jurisdiction and authority under or by virtue of the provisions of the said first-recited Act or of any subsequent Act, and any bishop may consecrate any new church or chapel or any new burial ground within his diocese.
- II. That the registrar of every court granting probates and administrations or exercising ecclesiastical jurisdiction, and the registrar of every vicar general or diocese, shall, on or before the 20th of January 1845, make out and transmit to one of Her Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall in each of the five next preceding years, each of such years ending on the 5th of January, have been received or become due on account of the Judge of such court or Vicar General by virtue of his office as such Judge or Vicar General, or on account of himself, or (except of surrogates) of any other officer, clerk, or minister of such court or registry, by virtue of his office or employment, specifying the particulars of the payments, disbursements, allowances, and charges respectively constituting the difference between such gross and net amounts, and shall on or before the 20th of January in every succeeding year transmit a like account for the year ending on the 5th of January in such year; and the several officers, clerks, and ministers of each of the said courts and registries shall render to the registrar thereof all such statements in writing as he may require for the purpose of preparing such account; and such registrar shall transmit the said statements to the said Secretary of State at the same time with his aforesaid account; and the said Secretary of State may at any time or times require that all or any of the several accounts and statements hereinbefore mentioned shall contain such particulars and be in such form and verified in such manner as to him may seem proper.
- III. That on or before the 20th of January in every year the registrar of each of the said several courts and registries shall report in writing to one of Her Majesty's Principal Secretaries of State on the state and condition of his registry, and the buildings belonging thereto, and also upon all such other matters connected with such registry, and the documents therein contained, as and in such form as the said Secretary of State may from time to time require; and such Secretary of State may from time to time call for further or other returns, and may also direct and cause to be made such inspection or survey of any registry as he may think fit.
- IV. That the word "Registrar" when used in this Act shall include all registrars and deputy registrars.
- V. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXIX.

AN ACT for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*; and to extend its Jurisdiction and Powers.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Her Majesty, by Order in Council, may provide for the admission of an appeal from any colony, although there shall not be a court of error or of appeal in such colony; and may revoke such orders.—Orders may be either general or special.—General orders to be published.—Nothing herein to affect the present powers for regulating appeals from the colonies.*
2. *On petition, Her Majesty may grant an extension of patent term in certain cases.*
3. *Her Majesty may grant extension for a lesser term than that prayed.*
4. *As to extension of term where patentees have assigned their patent rights.*
5. *Disclaimer and memorandum of alteration under 5 & 6 Will. 4. c. 83, may be made notwithstanding original patentee may have assigned his patent right.*
6. *Disclaimer and memorandum of alteration already made to be deemed valid.*
7. *New letters patent granted under 5 & 6 Will. 4. to assignees before passing of this Act declared valid.—Proviso.*
8. *Judicial committee may appoint clerk of Privy Council to take proofs in matters referred to them.*
9. *Judicial committee may proceed to hearing of appeals without special order of reference.—Proviso.*
10. *Judicial committee may require notes of evidence taken in the courts of any colony, &c. of the Crown.*
11. *Judicial committee may make rules to be binding upon such courts requiring Judges notes of evidence, &c.*
12. *In cases of neglect to comply with Order of Council persons so neglecting may be punished as for contempt.*
13. *Act may be repealed, &c. this session.*

By this Act,

After reciting that 3 & 4 Will. 4. c. 41. hath been found beneficial to the due administration of justice: and that another Act, 5 & 6 Will. 4. c. 83, hath been also found advantageous to inventors and to the public; and that the Judicial Committee acting under the authority of the said Acts hath been found to answer well the purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects, for the better despatch of business, and expedient also to extend its jurisdiction and powers: and that by the laws now in force in certain of Her Majesty's colonies and possessions abroad no appeals can be brought to Her Majesty in Council for the reversal of the judgments, sentences, decrees, and orders of any courts of justice within such colonies, save only of the courts of error or courts of appeal within the same, and it is expedient that Her Majesty in Council should be authorized to provide for the admission of appeals from other courts of justice within such colonies or possessions:—

It is Enacted,

1. That it shall be competent to Her Majesty, by any order or orders to be from time to time for that purpose made with the advice of her Privy Council, to provide for the admission of any appeal or appeals to Her Majesty in Council from any judgments, sentences, decrees, or orders of any court of justice within any British colony or possession abroad, although such court shall not be a court of errors or a court of appeal within such colony or possession; and it shall also be competent to Her Majesty, by any such order or orders as aforesaid, to make all such provisions as to Her Majesty in Council shall seem meet for the instituting and prosecuting any such appeals, and for carrying into effect any such decisions or sentences as Her Majesty in Council shall pronounce thereon: Provided always, that it shall be competent to Her Majesty in Council to revoke, alter, and amend any such order or orders as aforesaid as to Her Majesty in Council shall seem meet: Provided also, that any such order as aforesaid may be either general and extending to all appeals to be brought from any such court of justice as aforesaid, or special and extending only to any appeal to be brought in any particular case: Provided also, that every such general order in Council as aforesaid shall be published in the *London Gazette* within one calendar month next after the making thereof: Provided also, that nothing herein contained shall be construed to extend to take away or diminish any power now by law vested in Her Majesty for regulating appeals to Her Majesty in Council from the judgments, sentences, decrees, or orders of any courts of justice within any of Her Majesty's colonies or possessions abroad.

And after reciting that it is expedient, for the further encouragement of inventions in the useful arts, to enable the time of monopoly in patents to be extended in cases in which it can be satisfactorily shewn that the expense of the invention hath been greater than the time now limited by law will suffice to reimburse:—

It is Enacted,

11. That if any person, having obtained a patent for any invention, shall before the expiration thereof present a petition to Her Majesty in Council, setting forth that he has been unable to obtain a due remuneration for his expense and labour in perfecting such invention, and that an exclusive right of using and vending the same for the further period of seven years, in addition to the term in such patent mentioned, will not suffice for his reimbursement and remuneration, then, if the matter of such petition shall be by Her Majesty referred to the Judicial Committee of the Privy Council, the said committee shall

proceed to consider the same after the manner and in the usual course of its proceedings touching patents, and if the said committee shall be of opinion, and shall so report to Her Majesty, that a further period greater than seven years extension of the said patent term ought to be granted to the petitioner, it shall be lawful for Her Majesty, if she shall so think fit, to grant an extension thereof for any time not exceeding fourteen years, in like manner and subject to the same rules as the extension for a term not exceeding seven years is now granted under the powers of the said Act, 5 & 6 Will. 4. c. 83.

III. Provided and enacted, That nothing herein contained shall prevent the said Judicial Committee from reporting that an extension for any period not exceeding seven years should be granted, or prevent Her Majesty from granting an extension for such lesser term than the petition shall have prayed.

And after reciting that doubts have arisen touching the power given by the said recited Act, 5 & 6 Will. 4. c. 83, in cases where the patentees have wholly or in part assigned their right :—

It is Enacted,

IV. That it shall be lawful for Her Majesty, on the report of the Judicial Committee, to grant such extension as is authorised by the said Act and by this Act, either to an assignee or assignees or to the original patentee or patentees, or to an assignee or assignees and original patentee or patentees conjointly.

V. That in case the original patentee or patentees hath or have departed with his or their whole or any part of his or their interest by assignment to any other person or persons, it shall be lawful for such patentee, together with such assignee or assignees if part only hath been assigned, and for the assignee or assignees if the whole hath been assigned, to enter a disclaimer and memorandum of alteration under the powers of the said recited Act; and such disclaimer and memorandum of such alteration, having been so entered and filed as in the said recited Act mentioned, shall be valid and effectual in favour of any person or persons in whom the rights under the said letters patent may then be or thereafter become legally vested; and no objection shall be made in any proceeding whatsoever on the ground that the party making such disclaimer or memorandum of such alteration had not sufficient authority in that behalf.

VI. That any disclaimer or memorandum of alteration before the passing of this Act, or by virtue of the said recited Act, by such patentee with such assignee or by such assignee as aforesaid, shall be valid and effectual to bind any person or persons in whom the said letters patent might then be or have since become vested; and no objection shall be made in any proceeding whatsoever that the party making such disclaimer or memorandum of alteration had not authority in that behalf.

VII. That any new letters patent which before the passing of this Act may have been granted, under the provisions of the above-recited Act, 5 & 6 Will. 4. c. 83, to an assignee or assignees, shall be as valid and effectual as if the said letters patent had been made after the passing of this Act, and the title of any party to such new letters patent shall not be invalidated by reason of the same having been granted to an assignee or assignees: Provided always, that nothing herein contained shall give any validity or effect to any letters patent heretofore granted to any assignee or assignees where any action or proceeding in *scire facies* or suit in equity shall have been commenced at any time before the passing of this Act, wherein the validity of such letters patent shall have been or may be questioned.

VIII. Provided and enacted, That in the case of any matter or thing being referred to the Judicial Committee, it shall be lawful for the said committee to appoint one or other of the clerks of the Privy Council to take any formal proofs required to be taken in dealing with the matter or thing so referred, and shall, if they so think fit, proceed upon such clerk's report to them as if such formal proofs had been taken by and before the said Judicial Committee.

IX. That in case any petition of appeal whatever shall be presented, addressed to Her Majesty in Council, and such petition shall be duly lodged with the clerk of the Privy Council, it shall be lawful for the said Judicial Committee to proceed in hearing and reporting upon such appeal, without any special Order in Council referring the same to them, provided that Her Majesty in Council shall have, by an Order in Council in the month of November, directed that all appeals shall be referred to the said Judicial Committee on which petitions may be presented to Her Majesty in Council during the twelve months next after the making of such order; and that the said Judicial Committee shall proceed to hear and report upon all such appeals in like manner as if each such appeal had been referred to the said Judicial Committee by a special order of Her Majesty in Council: Provided always, that it shall be lawful for Her Majesty in Council at any time to rescind any general order so made; and in case of such order being so rescinded all petitions of appeal shall in the first instance be preferred to Her Majesty in Council, and shall not be proceeded with by the said Judicial Committee without a special order of reference.

X. That it shall be lawful for the said Judicial Committee to make an order or orders on any court in any colony or foreign settlement, or foreign dominion of the Crown, requiring the Judge or Judges of such court to transmit to the clerk of the Privy Council a copy of the notes of evidence in any cause tried before such court, and of the reasons given by the Judge or Judges for the judgment pronounced in any case brought by appeal or by writ of error before the said Judicial Committee.

XI. That it shall and may be lawful for the said Judicial Committee to make any general rule or regulation, to be binding upon all courts in the colonies and other foreign settlements of the Crown, requiring the Judges' notes of the evidence taken before such court on any cause appealed, and of the reasons given by the Judges of such Court, or by any of them, for or against the judgment pronounced by such Court; which notes of evidence and reasons shall by such Court be transmitted to the clerk of the Privy Council within one calendar month next after the leave given by such Court to prosecute any appeal to Her Majesty in Council; and such order of the said committee shall be binding upon all Judges of such courts in the colonies or foreign settlements of the Crown.

XII. That in all causes of appeal to Her Majesty in Council from Ecclesiastical Courts, and from Admiralty or Vice Admiralty Courts, which now are or may hereafter be depending, in which any person duly monished or cited or requested to comply with any lawful order or decree of Her Majesty in Council, or of the Judicial Committee of the Privy Council or

their surrogates, made before or after the passing of this Act, shall neglect or refuse to pay obedience to such lawful order or decree, or shall commit any contempt of the process under the seal of Her Majesty in ecclesiastical and maritime causes, it shall be lawful for the said Judicial Committee or their surrogates to pronounce such person to be contumacious and in contempt, and, after he or she shall have been so pronounced contumacious and in contempt, to cause process of sequestration to issue under the said seal of Her Majesty against the real and personal estate, goods, chattels, and effects, wheresoever lying within the dominions of Her Majesty, of the person against or upon whom such order or decree shall have been made, in order to enforce obedience to the same and payment of the expenses attending such sequestration, and all proceedings consequent thereon, and to make such further order in respect of or consequent on such sequestration, and in respect to such real and personal estates, goods, chattels, and effects sequestrated thereby, as may be necessary, or for payment of monies arising from the same to the person to whom the same may be due, or into the registry of the High Court of Admiralty and Appeals, for the benefit of those who may be ultimately entitled thereto.

XIII. That this Act may be repealed or amended during this session of Parliament.

CAP. LXX.

AN ACT for facilitating Arrangements between Debtors and Creditors.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

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| 1. <i>Petition.</i> | 9. <i>Audits.</i> |
| 2. <i>Preliminary examination.—Disqualifications.</i> | 10. <i>Examinations.</i> |
| <i>—Meeting of creditors.</i> | 11. <i>Special meetings.</i> |
| 3. <i>President.</i> | 12. <i>Meeting of creditors.</i> |
| 4. <i>First meeting of creditors.</i> | 13. <i>Certificate.</i> |
| 5. <i>Second meeting of creditors.</i> | 14. <i>Rules and orders.</i> |
| 6. <i>Confirmation.—Certificate.—Protection.</i> | 15. <i>Interpretation of Act.</i> |
| 7. <i>Temporary protection.</i> | 16. <i>Act not to extend to Scotland or Ireland.</i> |
| 8. <i>Vesting of estate.</i> | |

By this Act,

After reciting that it is expedient that trust deeds and other amicable modes of arrangement between debtors and their creditors should be facilitated, and that better means should be provided for carrying the same into effect :—

It is Enacted,

I. That from and after the 1st of September next after the passing of this Act it shall be lawful for any debtor who is unable to meet his engagements with his creditors, such debtor not being a trader within the meaning of the statutes now in force relating to bankrupts, with the concurrence of one-third in number and value of his creditors (testified by their signing his petition), to present a petition to the Court of Bankruptcy, setting forth a full account of his debts, and the consideration thereof, and the names, residences, and occupations of his creditors, and also a full account of his estate and effects, whether in possession, reversion, or expectancy, and of all debts and rights due to or claimed by him, and of all property of what kind soever held in trust for him; and also setting forth that he is unable to meet his engagements with his creditors, and the true cause of such inability; and also setting forth such proposal as he is able to make for the future payment or the compromise of such debts or engagements; and that one third in number and value of his creditors have assented to such proposal; and praying that such proposal (or such modification thereof as by the majority of his creditors should be determined) should be carried into effect under the superintendence and controul of the said Court; and that he the said petitioning debtor should in the meantime be protected from arrest, by order of the said Court.

II. That, upon the presentation of such petition, one of the Commissioners of the said Court, in such rotation as by order of the said Court shall be appointed, shall privately examine into the matter of the said petition, and for that purpose shall have power to examine upon oath such petitioning debtor, and any creditor concurring in his petition, and any witness produced by such petitioning debtor; and if such Commissioner shall be satisfied of the truth of the several matters alleged in such petition, and that the debts of such petitioning debtor have not been contracted by reason of any manner of fraud or breach of trust, or without reasonable probability at the time of contract of being able to pay the same, or by reason of any judgment in any prosecution for breach of the revenue laws, or in any action for breach of promise of marriage, seduction, criminal conversation, libel, slander, assault, battery, malicious arrest, malicious suing out a fiat in bankruptcy, or malicious trespass, and that such petitioning debtor has made a full disclosure of his debts and credits, estate and effects, and is desirous of making a *bond fide* arrangement with all his creditors, and that his proposal to that effect is reasonable, and proper to be executed under the direction of the said Court, it shall be lawful for such Commissioner to direct that a meeting of all the creditors of such petitioning debtor should be convened at such time and place as the said Commissioner shall appoint, notice of which meeting shall be given in writing to every such creditor not less than seven or more than twenty-eight days before the same is held.

III. That the said Commissioner shall appoint a fit and proper person, being a registrar or official assignee of the said Court, or one of the principal creditors of the said petitioning debtor, to preside at such meeting of creditors, and to report the resolutions thereof to the said Commissioner.

IV. That if at such meeting of creditors the major part in number and value, or nine-tenths in value, or nine-tenths in number whose debts exceed 20*l*., shall assent to the proposal of such petitioning debtor, or to any modification thereof, the president of such meeting shall appoint another meeting of the creditors of such petitioning debtor to be held not earlier than seven or later than twenty-eight days from such first meeting, of which second meeting, and of the purpose thereof, notice in writing shall be personally served on every creditor who was not present by himself or his appointed agent at such first meeting, three clear days at least before the day appointed for such second meeting; provided, however, that the Commissioner to whom such petition as aforesaid is referred may, if he shall think fit, make an order, in any special case, that service of such notice at the last place of abode or business of any creditor shall be deemed good service.

V. That if at such second meeting of creditors three-fifths in number and value of all the creditors present, or nine-tenths in value, or nine-tenths in number whose debts exceed 20*l*., shall agree to accept such arrangement or composition as was assented to at the said first meeting of creditors, and shall reduce the terms thereof into writing, and sign the same, such resolution or agreement (subject to such confirmation as is hereinafter enacted) shall thenceforth be binding and of full force, as well against the said petitioning debtor as against all persons who were creditors of the said petitioning debtor at the date of his said petition, and who had notice of the said several meetings of creditors; provided, however, that such resolution or agreement shall not be valid unless one full third in number and value of all the creditors of such petitioning debtor were present at such second meeting, either in person or by an authorized agent.

VI. That within fifteen days next after the passing of such resolution or agreement the same shall be submitted to the Commissioner acting in the matter of the said petition, who, if he shall think the same reasonable, and proper to be executed under the direction of the said Court, shall cause the same to be filed and entered of record therein, and shall grant to the said petitioning debtor a certificate of such filing, and shall from time to time indorse on such certificate his protection of such petitioning debtor from arrest; and such petitioning debtor shall be free from arrest at the suit of any person being a creditor at the date of his said petition, and having had such several notice or notices as aforesaid; and any officer arresting such petitioning debtor at the suit of any such creditor, and on sight of such certificate and protection not releasing such petitioning debtor, shall be liable to such penalty as is provided respecting bankrupts in the like case by the statutes now in force concerning bankrupts; provided, however, that no such protection shall be valid in favour of any petitioning debtor who shall be proved to have been about to abscond beyond the jurisdiction of the said Court of Bankruptcy, or who has concealed or is concealing any part of his estate or effects, nor against any creditor whose debt is not truly specified in the said petition, nor against any creditor whose debt has been contracted by reason of any manner of fraud or breach of trust.

VII. That it shall be lawful for such Commissioner as aforesaid, upon the examination of such petition as aforesaid, to grant to such petitioning debtor a temporary and limited protection from arrest, and such petitioning debtor shall be accordingly free from arrest for such time and within such limits and conditions as shall be specified in the said protection, with the like penalties on any officer arresting him as aforesaid; and it shall be lawful for such Commissioner to require such petitioning debtor to give bail for his appearance at the said several meetings of his creditors; and every petitioning debtor shall have such protection from arrest when going to, remaining in, and returning from his necessary attendance on the said Commissioner, or the said meetings of creditors, as is enjoyed by any party or witness attending any court of record.

VIII. That from and after the date of the filing of such resolution and agreement as aforesaid all the estate and effects of such petitioning debtor shall vest in the trustee (if any such shall be appointed) by virtue of such resolutions, and without any deed, as fully as if such trustee were an assignee under the statutes relating to bankrupts; and every such trustee may sue and be sued as if he were such assignee in bankruptcy.

IX. That every such trustee as aforesaid shall, once at least in every six months, or oftener if the said Commissioner or any two or more of the creditors of such petitioning debtor whose debts amount to one-tenth of the amount of the debts of such debtor require it, produce to the said Commissioner, on oath or solemn declaration, a full and true account of all monies, property, and effects of such petitioning debtor which have come to his hands, and of the disposal thereof; and the said Commissioner shall examine the same, and shall certify the result of such examination, and shall, if need be, order payment to the creditors of such petitioning creditor, according to the terms of such resolution or agreement as aforesaid.

X. That if it shall at any time appear to the said Commissioner, on the representation of such trustee as aforesaid, or of any two creditors as aforesaid, that such petitioning debtor has not made a true discovery of his estate and effects, or has not duly accounted for any subsequently-acquired property (if required by the true intent and meaning of the said resolution or agreement), or has wilfully made any false return of creditors, it shall be lawful for the said Commissioner to summon such petitioning debtor to be examined before him upon oath touching such matters; and such summons and examination shall be enforced in such manner as is now practised in the summoning and examination of bankrupts.

XI. That in case any difficulty shall arise in the execution of the said resolution or agreement it shall be lawful for the said Commissioner to cause a special meeting of the creditors of such petitioning debtor to be assembled; and the resolution of the majority of the said creditors at such meeting, to confirm, alter, or annul the whole or any part of the said resolution or agreement, shall be as valid as if it had been part of the original resolution or agreement: Provided, however, that if one-third in number and value of the creditors of such petitioning debtor do not attend such meeting in manner aforesaid the resolution thereof shall not be valid unless the same is approved and confirmed by the said Commissioner.

XII. That so soon as the said resolution or agreement shall have been carried into effect, and the creditors of the said petitioning debtor shall have been satisfied, according to the tenor of the same, the said Commissioner shall cause a meeting of the said creditors to be held before him, and, on being satisfied that the trustee has fully performed his trust, shall give to such

trustee a certificate thereof under his hand and seal; and such certificate shall be a full release and acquittance to the said trustee, both in law and equity, for all matters done by him as such trustee: Provided always, that it shall be lawful for such trustee to receive for his services in the execution of his said trust such sum of money as the major part in number and value of the creditors assembled at such last-mentioned meeting shall appoint, subject to the approval and allowance of the said Commissioner.

xiii. That at such last-mentioned meeting the said Commissioner shall give to the said petitioning debtor a certificate, under the hand and seal of the said Commissioner, of the filing of the said petition, and of the resolution or agreement of the creditors of the said petitioning debtor, and that the said resolution or agreement has been fully carried into effect; and such certificate shall thenceforth operate to all intents and purposes as fully as if the same were a certificate of conformity under the statutes relating to bankrupts, excepting only that no debt herein excepted from the operation of this Act shall be barred by the said certificate.

xiv. That for the better carrying into effect the several purposes of this Act it shall be lawful for the said Court of Bankruptcy from time to time to make such rules, regulations, and orders as the said Court shall think fit: Provided, however, that such rules, regulations, and orders shall be laid before both Houses of Parliament within twenty-one days from the making the same, if Parliament be then sitting, or if not, twenty-one days from the commencement of the session next after the making of such rules, regulations, or orders.

xv. That this Act shall extend to aliens, denizens, and women; and that all words in the singular number may be interpreted in the plural number, and *vice versa*; and that all words in the masculine gender may be interpreted to include the feminine gender; and that this Act be construed beneficially to creditors; and, if any doubts should arise in the construction thereof, that it be construed by analogy to the laws now in force relating to bankrupts, and the practice thereof.

xvi. That this Act shall not extend to Scotland or Ireland.

CAP. LXXI.

AN ACT for the better Administration of Criminal Justice in *Middlesex*.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Two sessions to be held in every month; quarter sessions.
2. General sessions.
3. Validity of proceedings at general sessions.
4. Adjournments of general quarter sessions.
5. Sessions may be held notwithstanding the sitting of the Court of Queen's Bench.
6. Indictments for misdemeanor not to be traversed without cause shewn.
7. Allowance out of county rates to be made to sheriff, &c., in addition to other emoluments.
8. An assistant Judge to be appointed to preside at the sessions in certain cases.—Deputy.—Nothing herein to interfere with the appointment of the chairman of the court.
9. Formation of the Court.—Jurisdiction of Justices in sessions to continue.
10. Salary to assistant Judge.
11. Sessions of the peace for Westminster not to be holden.
12. Officers belonging to the City of Westminster to be compensated while executing their duties.
13. Justices for the county to have the sole controul over the county rate.
14. Justices for the county to have the sole controul over the Court House for Westminster.
15. Property in the New Bridewell to be vested in the Justices of the county.
16. The New Bridewell to be a house of correction for the county generally.
17. Act may be amended this session.

By this Act,

After reciting that it is desirable, for the better administration of criminal justice in the county of Middlesex, that sessions of the peace for the trial of felonies and misdemeanors committed within the said county should be holden more frequently, and that an assistant Judge, of competent legal knowledge, should be appointed to preside at such sessions:—

It is Enacted,

1. That after the passing of this Act there shall be holden in and for the county of Middlesex two sessions or adjourned sessions of the peace at least in every calendar month, and the first sessions holden in the months of January, April, July, and October respectively shall be the general quarter sessions of the said county.

II. That the second sessions, or the adjourned sessions, holden in the months of February, May, August, and November respectively, and such other sessions as the Justices for the county in the first sessions holden in the month of December assembled shall from time to time appoint, shall be general sessions of the peace; and such general sessions shall have power to try and determine all appeals, and all other powers which now or shall hereafter belong to the general quarter sessions.

III. That all orders heretofore made and all things heretofore done at any general session of the peace for the county of Middlesex shall be as good in law as if made and done at the general quarter sessions of the peace for the said county.

IV. That the second sessions holden in the months of January, April, July, and October shall be adjournments of the general quarter sessions.

V. That after the passing of this Act it shall be lawful to begin and continue, or to continue when begun, any session of the peace for the said county so to be holden as aforesaid, until the business thereof shall be ended, notwithstanding that Her Majesty's Court of Queen's Bench may sit at Westminster or elsewhere in the said county before or at the beginning or during the continuance of any such session.

VI. That no person against whom any bill of indictment shall be found for misdemeanor at the Central Criminal Court, or at any session of the peace for the county of Middlesex, shall be entitled to traverse the same to any subsequent sitting of the Court, but the Court shall forthwith proceed to try the same, unless upon good cause to be shewn by the person against whom the same is found, or the prosecutor, and to be allowed by the Court, for the postponement of the trial.

VII. That the Justices of the said county shall cause an account to be taken of the fees received by the sheriff or his deputy for summoning traverse juries during the last three years, and shall be authorized to allow and cause to be paid yearly, for such time as to them shall seem fit, to the said sheriff or his deputy, out of the county rates of the said county, in addition to the other emoluments of his office, any sum not exceeding the average yearly amount of the fees received by him for summoning traverse juries during the said three years.

VIII. That it shall be lawful for her Majesty, her heirs and successors, by sign manual, to appoint a person, being a serjeant or barrister at law of not less than ten years standing, and in the commission of the peace for the said county, and qualified by law to act as a Justice of the Peace, to be the assistant Judge of the said court of the sessions of the peace, which said assistant Judge shall preside at the hearing of all appeals, and at the trial of all felonies and misdemeanors in the said Court, and all matters connected therewith, and shall hold his office during good behaviour; and in case of sickness or unavoidable absence, and on such other occasions as shall be allowed by one of Her Majesty's Principal Secretaries of State, such assistant Judge shall be empowered from time to time to appoint a deputy, qualified to be appointed assistant Judge, who shall have power to act for him for such time as shall be in each case allowed by the Secretary of State, not being in any case later than the end of the business at the session of the peace then next but one following: Provided always, that nothing in this Act contained shall interfere with the appointment of the chairman of the said court for all purposes except the trials of appeals, and of felonies and misdemeanors, and other matters connected therewith, but such appointment shall remain in the said Justices as before the passing of this Act; provided also, that the said assistant Judge, so long as he shall hold the said office, shall not be eligible to sit in Parliament.

IX. That the presence of another Justice of the Peace shall not be essential to the formation of the court in those cases in which it is directed by this Act that the assistant Judge or his deputy for the time being shall preside; but nothing in this Act contained shall lessen the jurisdiction of the Justices at the said sessions.

X. That from and after the appointment of such assistant Judge as aforesaid there shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland the sum of 1,200*l.* to such assistant Judge for a yearly salary, to be paid from time to time quarterly, free and clear from all taxes and deductions whatsoever (except the Income Tax), on the 5th of January, the 5th of April, the 5th of July, and the 10th of October, by equal portions, the first payment to be made on the first of such days as shall occur after the appointment of the said assistant Judge; and that if any person appointed to such office shall die, or resign the same, the executors or administrators of such person so dying, or the person resigning, shall be entitled to receive such portion of the salary aforesaid as shall have accrued during the time that such person shall have executed such office since the last payment, and that the successor of any such person so dying or resigning shall be entitled to receive such portion of the salary as shall accrue from the day of such death, resignation, or dismissal.

And after reciting that by an Act, 9 Geo. 4, intituled, 'An Act to enable the Justices of the Peace for Westminster to hold their Sessions of the Peace during term and the sittings of the Court of King's Bench,' the sessions of the peace for the said city and liberty are limited to the weeks preceding the holding of each of the Quarter or General Sessions of the Peace for the said county of Middlesex: And that by ancient usage and of right the Justices of the Peace for Middlesex have constantly holden and may hold their sessions of the peace for the said county within the said city and liberty, and the holding of sessions for the city and liberty has become unnecessary:—

It is Enacted,

XI. That after the session of the peace which shall be holden in and for the said city and liberty next after the passing of this Act sessions of the peace in and for the said city and liberty shall cease to be holden, and the sessions to be holden in and for the said county of Middlesex shall be holden by adjournment within the said city and liberty, and shall have full jurisdiction over all things cognizable by the sessions for the said city and liberty; and that the inhabitants of the said city and liberty shall not be exempted from serving on juries at the sessions of the peace for the county of Middlesex holden within the said city and liberty.

XII. That the persons holding the several offices of high bailiff of Westminster, clerk of the peace, and all other officers of the court of sessions of the peace for the said city and liberty, shall, so long as they shall be entitled to hold their several offices, execute the duties and be entitled to the emoluments within the said city and liberty of the several offices of sheriff,

clerk of the peace, and other corresponding officers of the county of Middlesex: Provided always, that the records of every session of the peace for the said county holden within the said city and liberty shall be sent within fourteen days after such session, by the clerk of the peace of the said city and liberty, to the clerk of the peace of the said county, and shall be kept by him with the other records of his office.

And after reciting that by an Act, 12 Geo. 2, intituled, 'An Act for the more easy assessing, levying, and collecting County Rates,' it was enacted, that there should be but one rate made and assessed by the Justices of the Peace of the said county of Middlesex and the said city and liberties of Westminster for the several purposes enumerated in that Act: And that by an Act, 7 Geo. 4. c. 42, intituled, 'An Act for building a new Bridewell or House of Correction for the said City and Liberty of Westminster,' a house of correction, commonly called the New Bridewell, was built out of monies charged and assessed upon the county rates, which said bridewell is much larger than is needed for the said city and liberty; but the house of correction for the county of Middlesex is so small that the prisoners therein cannot be properly classified: And that inconveniences arise from the present management of the county rate being vested partly in the Justices for the said county and partly in the Justices for the said city and liberty, and it would be a public advantage if the management of the county rate were solely in the Justices of the said county, and if the said new bridewell were made a house of correction for the whole county, and placed under the controul and management of the Justices of the said county:—

It is Enacted,

XIII. That after the passing of this Act the Justices for the said city and liberty shall cease to exercise any controul over the county rate, and the Justices of the said county shall have the sole controul and management thereof; and all orders for the payment of any sums of money out of the county rate, in respect of any expenditure within the said city and liberty, shall be made by the Justices for the said county upon the county treasurer, in like manner as all other orders are made by them upon him; and the said treasurer shall obey the same, and shall from time to time include the same in his accounts, and the same shall be subject to all the statutes and provisions for the regulation of the rate for the said county, and shall form part of the general expenditure for the said county.

XIV. That so much of an Act passed in the 47 Geo. 3, intituled, 'An Act to amend Three Acts, of the Eighteenth, Thirtieth, and Forty-fourth Years of His present Majesty, for erecting a Court House for the holding of Sessions of the Peace in the City of Westminster,' as enacts that the Court House for the said city of Westminster shall be under the sole direction and management of the Justices of the Peace for the time being of the city and liberty of Westminster, shall be repealed; and that after the passing of this Act the controul and management of the said Court House, and all the powers and provisions respecting the same, in the said Acts vested in the Justices for the city and liberty, shall be vested in the Justices for the said county of Middlesex, as fully as if they had been named in the said Acts.

XV. That after the passing of this Act all the powers and property in respect of the said new bridewell by the before-mentioned Act, 7 Geo. 4. c. 42, vested in the Justices for the said city and liberty of Westminster, and also all the furniture, goods, and chattels belonging to the said new bridewell, shall be transferred to and vested in the Justices for the said county.

XVI. That so much of the said Act, 7 Geo. 4. c. 42, as enacts that no person or persons, other than or beside the Justices of the Peace for the said city and liberty of Westminster, and also the Commissioners for executing an Act, 23 Geo. 2. c. 27, intituled, 'An Act for the more easy and speedy Recovery of Small Debts within the City and Liberty of Westminster and that Part of the Duchy of Lancaster which adjoins thereto,' shall have power or authority to commit any person or persons to the said new bridewell or house of correction, or to the custody of the keeper thereof, shall be repealed; and that after the passing of this Act the said new bridewell shall become and be a house of correction for the county of Middlesex, under the management and controul of the Justices of the said county; and the Justices of the said county, the Magistrates of the police courts, the Judges of the Central Criminal Court, and all persons having by law the right to commit any offender or offenders to the house of correction in Cold Bath Fields, or to the gaol of Newgate as the common gaol of London and Middlesex, in execution of their judgments, shall have the like power of committal to the said new bridewell which they have of committing to the said house of correction or the said gaol of Newgate: Provided always, that nothing in this Act contained shall take away the right of the Justices for the city and liberty of Westminster and the said Commissioners to commit offenders to the said new bridewell, or enable any of the aforesaid Judges, Justices, or other persons to commit thereto any offender for any offence committed within the city of London, or elsewhere than in the county of Middlesex.

XVII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXII.

AN ACT to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in *New South Wales*.

(6th August 1844.)

ABSTRACT OF THE ENACTMENT.

Charges and expenses incident to the collection of the imports and exports to be audited in such manner as shall be directed by the Treasury.

By this Act,

After reciting, that by 5 & 6 Vict. c. 76, it was enacted, that the revenue therein mentioned of the colony of New South Wales shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject, nevertheless, to be regulated and audited in such manner as shall be directed by any law of the governor and legislative council: And that doubts have arisen whether under and in pursuance of the said Act the costs, charges, and expenses incident to the collection, management, and receipt of the duties on goods imported and exported at the said colony are not subject to be regulated and audited in manner therein mentioned:

It is Declared and Enacted,

That the costs, charges, and expenses incident to the collection, management, and receipt of duties of goods imported or exported at the said colony are not, according to the true intent and meaning of the said recited Act, subject, and shall not be subject, to be regulated and audited in such manner as shall be directed by any law of the governor or the legislative council, but that all such costs, charges, and expenses of such duties of import and export are and shall be subject to be regulated and audited in such manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or by any three of them, anything in the said recited Act to the contrary notwithstanding.

CAP. LXXIII.

AN ACT to reduce, under certain Circumstances, the Duties payable upon Books and Engravings.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Her Majesty, by Order in Council, may reduce the duties on foreign books and prints in cases in which copyright is allowed to the country of export under 7 & 8 Vict. c. 12;*
2. *And may reduce the duties on books and prints in favour of countries with which Her Majesty has treaties of reciprocity. If any treaty be conditional, order to state the fulfilment of the condition.*
3. *Power to Her Majesty in Council to revoke any orders.*
4. *Orders to be published in the Gazette;*
5. *And to be laid before Parliament.*
6. *Act may be amended this session.*

By this Act,

After reciting, that by 5 & 6 Vict. c. 47, certain duties of Customs were granted and made payable upon books and prints of or from foreign countries: and that by 7 & 8 Vict. c. 12, it is amongst other things enacted, that it shall be lawful for Her Majesty, by any Order in Council, to grant unto the authors, inventors, designers, engravers, or makers of any books, prints, or other works of art first published in any foreign country specified in such order, the privilege of copyright therein for certain periods, and under certain conditions in the said last-mentioned Act defined and contained: And that it is expedient that provision should be made in the manner hereinafter mentioned for reducing, in cases where Her Majesty shall have issued any such Order in Council as aforesaid, the duties of Customs now payable on the importation of books and prints:—

It is Enacted,

I. That whenever and so often as Her Majesty shall by virtue of the said recited power, by any Order or Orders in Council, declare that the authors, inventors, designers, engravers, or makers of any books, prints, or other works of art first published in any foreign country shall have the privilege of copyright therein, then and in every such case it shall be lawful for Her Majesty, by any Order or Orders in Council, to declare that in respect of books and prints, or either of them, published in and imported from such foreign country, the duties of Customs now payable on the importation of books and prints respectively shall, from and after a time to be named in such order or orders, altogether cease and determine; and that in lieu thereof there shall be payable on such books or prints respectively, from and after such time as aforesaid, only such duties of Customs as are set forth in the Schedule to this Act annexed.

II. That with regard to books and prints published in and imported from any foreign country, between which country and Her Majesty there is now subsisting, and shall at the time of the making of any such Order in Council as is hereinafter described subsist, any treaty or convention binding Her Majesty to admit the books and prints of such country, either conditionally or unconditionally, into the United Kingdom, on the same terms as those of the most favoured nation, it shall be lawful for Her Majesty, by any Order or Orders in Council, to declare that in respect of books and prints, or either of them, published in and imported from such foreign country, the duties of Customs now payable on the importation of books and prints respectively shall, from and after a time to be named therein, altogether cease and determine, and that in lieu thereof there shall be payable on the importation of such books or prints respectively, from and after such time as aforesaid, only such duties of Customs as are set forth in the Schedule to this Act annexed: Provided always, that in case the privileges granted by any treaty to any foreign country, in respect of which any such Order or Orders in Council as last aforesaid shall

by virtue of this enactment be issued, shall have been granted conditionally, such order shall expressly declare that such foreign country hath duly fulfilled the conditions required in return for such privileges, and that it is entitled thereto.

III. That it shall be lawful for Her Majesty, by any further Order or Orders in Council, from time to time to revoke the whole or any part of any order or orders issued by Her Majesty in Council under the authority of this Act; and that from and after a day to be named in such order or orders of revocation such order or orders issued under the authority of this Act, or such part thereof as shall be specified in such order or orders of revocation, shall cease and determine, and that the duties of Customs now payable upon books and prints respectively shall be payable in like manner as if such order or orders, or such part or parts thereof respectively, had not been made.

IV. That every Order or Orders in Council issued under the authority of this Act shall, within fourteen days after the issuing thereof, be twice published in the *London Gazette*.

V. That a copy of every Order or Orders in Council issued under the authority of this Act shall be laid before both Houses of Parliament within six weeks after issuing the same, if Parliament be then sitting, and if not then within six weeks after the commencement of the then next session of Parliament.

VI. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

Books; viz.		a.	d.
Works in the Language or Languages of the Country of Export, originally produced therein, or original Works of that Country in the dead Languages, or other Works in the dead Languages with original Commentaries produced in that Country			
the Cwt.		15	0
All other Works published in the Country of Export, if printed prior to the Year 1801			
the Cwt.		20	0
If printed in or since the Year 1801			
the Cwt.		50	0
Prints and Drawings, plain or coloured			
each		0	0½
Ditto bound or sewed			
the Dozen		0	1½

CAP. LXXIV.

AN ACT to explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land*.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Defining extent of convict establishment.—Proviso.*
2. *Repeal of part of 5 & 6 Vict. c. 76. s. 13.*
3. *Declaration of qualification to be made in the Council.*
4. *Repealing provision in recited Act as to payment of sums to be levied.*
5. *Enabling treasurer to pay amount named in the warrant.*
6. *Defining colony.*
7. *Extending the governor's powers as to giving or withholding the royal assent.*
8. *Defining "governor."*
9. *Commencement of Act.*
10. *Act may be amended this session.*

By this Act,

After reciting that by 5 & 6 Vict. c. 76, intituled, 'An Act for the Government of *New South Wales* and *Van Diemen's Land*,' it is amongst other things enacted, that one half of the expense of the police establishment of the colony of *New South Wales* (exclusive of the convict establishment) shall be defrayed out of the general revenue arising from taxes, duties, rates, and imposts within the said colony, and the other half shall be defrayed by assessment upon the several districts of the colony in such proportions as shall be from time to time fixed by the governor and legislative council of the said colony: And that doubts have arisen as to what is the convict establishment so mentioned and referred to as aforesaid: Now therefore, for the removal of such doubts;—

It is Declared and Enacted,

1. That the convict establishment mentioned and referred to in the said recited enactment doth comprise and shall be construed to comprise such gaols and places of safe custody only as are or as shall be maintained for the reception of convicts actually undergoing therein sentences or commuted sentences of transportation from the United Kingdom, such gaols or places of safe custody being under the superintendence of officers for that purpose appointed by or under the authority of

Her Majesty, and remunerated by funds for that purpose appropriated by some Act of Parliament: Provided always, that if at any time any such gaol or place of safe custody shall be used for the imprisonment of any other offenders jointly with such convicts as aforesaid, then such gaol or place of safe custody shall be taken to be a convict establishment within the meaning of this Act and the said recited Act, so far only as relates to such convicts as aforesaid.

And after reciting that doubts have arisen as to the manner in which the declaration required by the said recited Act to be made in certain cases by candidates at the election of a member of the legislative council is to be made by candidates not present at the election;—

It is Enacted,

II. That so much of the said recited Act as renders any such candidate incapable of being elected until he shall have made such declaration shall be repealed.

III. That every elective member of the said legislative council, before he shall sit or vote in the said council after the election of a Speaker, shall make the said declaration in writing under his hand, by delivering to the clerk of the council, at the place where and while the council is sitting, with the Speaker in the chair, a paper signed by such member containing the said declaration, and also a statement of the county or counties in which the lands or tenements are situated out of which his qualification arises, with such other description thereof as may serve to identify the same, and the nature of his estate or interest therein or in the rents and profits thereof; and the said papers shall be filed and kept by the clerk with the other records of his office; and every elective member of the said council who shall sit and vote in the said council after the election of a speaker before making such declaration as aforesaid shall be liable, for every day on which he shall so offend, to a penalty of 200*l.*; and if he shall not be qualified according to the true intent and meaning of the said recited Act, his election shall be void, and a new writ shall be issued to elect another member in his stead.

And after reciting that by the said recited Act it is amongst other things enacted, that the treasurer of each district council of the said colony to whom any such warrant as therein mentioned shall come shall pay the amount mentioned in the warrant out of any monies in his hands belonging to the district, or, if there be no monies or an insufficient sum in his hands, the district council shall assess and levy the amount by a fair and equal rate upon all property within the district which the legislative council, or, until a bill for that purpose shall have been passed by the legislative council, and assented to by the governor, with the advice of his executive council, shall declare to be liable thereunto: And that the said recited enactment hath, by the accidental omission therein of certain words, been rendered obscure and ineffectual for the purposes thereof;—

It is Enacted,

IV. That the said last-recited enactment shall be repealed.

V. That the treasurer of each district council of the said colony of New South Wales to whom any such warrant as in the said recited Act mentioned shall come shall pay the amount mentioned in the warrant out of any monies in his hands belonging to the district, or, if there be no monies or an insufficient sum in his hands, the district council shall assess and levy the amount by a fair and equal rate upon all property within the district which the legislative council, or (until a bill for that purpose shall have been passed by the legislative council, and assented to by the governor), which the governor, with the advice of his executive council, shall declare to be liable thereunto.

And after reciting that it is by the said Act amongst other things provided, that it shall be lawful for the governor and legislative council of the said colony, in exercise of the powers to them respectively granted by the said Act, and in the manner and subject to the rules thereinbefore prescribed, to repeal, vary, or alter all or any part of the Acts therein recited, or any of them, or any law or ordinance made in pursuance thereof: And that doubts may arise whether the colony mentioned in the last said recited enactment is the colony of New South Wales or the colony of Van Diemen's Land:—

It is Declared and Enacted,

VI. That by the colony in the said last recited enactment mentioned is and shall be understood the colony of New South Wales, and not the colony of Van Diemen's Land.

And after reciting that by the said recited Act it is provided, that certain bills shall in every case be reserved by the governor for the signification of Her Majesty's pleasure thereon, and the intent of such provision was to ensure that such bills as aforesaid should not be assented to by the governor without due consideration;—

It is Enacted,

VII. That it shall not be necessary for the governor to reserve any such bill for the signification of Her Majesty's pleasure thereon from which in the exercise of his discretion, as limited in the said recited Act, he shall declare that he withholds Her Majesty's assent, or to which he shall have previously received instructions on the part of Her Majesty to assent, and to which he shall assent accordingly.

VIII. That by the word "governor," as employed in this Act, shall be understood the person for the time being lawfully administering the government of the said colony of New South Wales.

IX. That this Act shall be proclaimed by the governor of New South Wales within six weeks after a copy of it shall have been received by him, and shall take effect within the said colony from the day of the proclamation thereof.

X. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXV.

AN ACT to defray until the First Day of August One thousand eight hundred and forty-five the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

(6th August 1844.)

This Act contains the following clauses:—

- I. Secretary at War to issue the money required for pay of regular militia.—Rates of pay.—Rates of pay when absent on furlough.—Clothing.—Contingent fund.
- II. Adjutant, &c. to reside where the Secretary at War shall appoint.
- III. Adjutants and non-commissioned officers of militia may be employed in their counties.
- IV. Adjutant to have charge of the arms and clothing, and to issue the money for contingent expenses on an order signed by the colonel.—Balance to form a stock purse.
- V. In absence of the adjutant, the serjeants to be under the command of the serjeant major.
- VI. Militia when called out for training or exercise entitled to pay.
- VII. Allowances to subalterns and surgeons mates and assistant surgeons.—Rank of certain officers.
- VIII. Certain persons not entitled to allowances.
- IX. A declaration to be taken to entitle officers, &c. to such allowances.—Form of declaration.
- X. Allowances to officers reduced in 1829.
- XI. A declaration to be taken by officers claiming the said allowances.—Form of declaration.
- XII. Out-pension to reduced non-commissioned officers and drummers not to be received while serving.
- XIII. Subalterns, mates, &c. to attend the exercise, &c.—Commanding officer may grant leave of absence.
- XIV. If the regiment be not called out before the time fixed for the payment, the allowance shall be paid, on making the declaration, without certificate of attendance.
- XV. Allowances to be paid quarterly.
- XVI. On neglect of attendance, subalterns, &c. shall forfeit their claim to the allowance.
- XVII. Allowance not to be paid while the militia is embodied.
- XVIII. Persons on half-pay, or entitled to allowance as having served in the army or navy, empowered to receive pay, &c. during training.
- XIX. Adjutants, &c., non-commissioned officers or privates, not to lose their right to Chelsea pensions, &c.
- XX. Allowance to be made for medicines.
- XXI. Adjutants appointed before the 24th of December 1814 entitled to receive, after a service of twenty years, if unfit for further service, an allowance of 8s. per day; provided they do not hold certain other appointments.—Adjutants appointed since the 24th of December 1814 entitled to receive, after thirty years service, &c. an allowance of 6s. per day.—Right to half-pay reserved.—Certain terms extended to adjutants in cases of long and meritorious services.
- XXII. Allowances to adjutants, surgeons, and quarter-masters.—Right to half-pay reserved.
- XXIII. Reduced adjutants to receive 4s. per day till the 31st of July 1845.—Right to half-pay reserved.
- XXIV. Adjutants and serjeant majors entitled to allowance under 39 & 40 Geo. 3. c. 44.
- XXV. Reduced adjutants may take such allowance with any pay or other allowance under 39 & 40 Geo. 3. c. 44. and 26 Geo. 3. c. 107.—Proviso.
- XXVI. Restrictions as to allowances to reduced adjutants of the local militia.
- XXVII. Allowances to clerks of general and subdivision meetings in England.—Allowances to such officers and others in Scotland.
- XXVIII. Manner of granting allowances.—Clerks, &c. to make declaration of the justness of their accounts.
- XXIX. Deputy lieutenants may require the attendance of any surgeon residing near the place of meeting for appeal.—Declaration to be made by surgeon.—Allowance to surgeon.
- XXX. Pay, &c. to be issued under directions of the Secretary at War.
- XXXI. Bills drawn for pay, &c. may be on unstamped paper.
- XXXII. No fee to be taken.
- XXXIII. Expense of house for depositing arms and stores of the militia in Ireland, &c. to be defrayed by the county.—Proviso as to amount of rent.
- XXXIV. All things in this Act relating to counties shall extend to ridings, shires, &c.
- XXXV. Continuance of Act.

CAP. LXXVI.

AN ACT to simplify the Transfer of Property.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Meaning of words defined :—' Land,' ' freehold,' ' conveyance,' ' person,' number and gender.*
2. *Freehold land may be conveyed by deed without livery of seisin or prior bargain and sale.*
3. *Partitions, exchanges, and assignments to be by deed.*
4. *Leases and surrenders in writing to be by deed.*
5. *Contingent interests may be conveyed by deed.*
6. *No implied warranty to be created by ' grant' or ' exchange.'*
7. *No conveyances to operate by wrong, or have greater effect than a release.*
8. *Contingent remainders abolished.—Executory devises or estates.—Existing contingent remainders to continue.*
9. *Executor or administrator of mortgagee empowered, on discharge of mortgage, to convey the legal estate vested in the heir or devisee.*
10. *Receipts of trustees to be effectual discharges.*
11. *Indenting a deed unnecessary.*
12. *The remedies for the rent and covenants in a lease not to be extinguished by the merger of the immediate reversion.*
13. *Act to commence from the 31st of December 1844.*
14. *Act not to extend to Scotland.*

By this Act,

For simplifying the assurance of property by deed :—

It is enacted as follows; that is to say,

- I. That the words and expressions hereinafter mentioned which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to manors, advowsons, messuages, lands, tithes, tenements, and hereditaments, whether corporeal or incorporeal, and to any undivided share thereof, and to any estate or interest therein, and to money subject to be invested in the purchase of land or any interest therein; the word "freehold" shall extend to customary freehold, or such customary land as will pass by deed, or deed and surrender, and not by surrender alone; the word "conveyance" shall extend to a feoffment, grant, release, surrender, or other assurance of freehold land; the word "person" shall extend to a corporation as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.
- II. That every person may convey by any deed, without livery of seisin, or inrolment, or a prior lease, all such freehold land as he might before the passing of this Act have conveyed by lease and release; and every such conveyance shall take effect as if it had been made by lease and release: Provided always, that every such deed shall be chargeable with the same stamp duty as would have been chargeable if such conveyance had been made by lease and release.
- III. That no partition or exchange or assignment of any freehold or leasehold land shall be valid at law unless the same shall be made by deed.
- IV. That no lease in writing of any freehold, copyhold, or leasehold land, or surrender in writing of any freehold or leasehold land, shall be valid as a lease or surrender unless the same shall be made by deed; but any agreement in writing to let or to surrender any such land shall be valid and take effect as an agreement to execute a lease or surrender; and the person who shall be in the possession of the land in pursuance of any agreement to let may, from payment of rent or other circumstances, be construed to be a tenant from year to year.
- V. That any person may convey, assign, or charge by any deed any such contingent or executory interest, right of entry for condition broken, or other future estate or interest as he shall be entitled to, or presumptively entitled to, in any freehold or copyhold or leasehold land, or personal property, or any part of such interest, right, or estate respectively; and every person to whom any such interest, right, or estate shall be conveyed or assigned, his heirs, executors, administrators, or assigns, according to the nature of the interest, right, or estate, shall be entitled to stand in the place of the person by whom the same shall be conveyed or assigned, his heirs, executors, administrators, or assigns, and to have the same interest, right, or estate, or such part thereof as shall be conveyed or assigned to him, and the same actions, suits, and remedies for the same, as the person originally entitled thereto, his heirs, executors, or administrators, would have been entitled to if no conveyance, assignment, or other disposition thereof had been made; provided that no person shall be empowered by this Act to dispose of any expectancy which he may have as heir, or heir of the body inheritable, or as next-of-kin, under the statutes for the distribution of the estates of intestates of a living person, nor any estate, right, or interest to which he may become entitled under any deed thereafter to be executed, or under the will of any living person, and no deed shall by force of this Act bar or enlarge any estate tail: Provided also, that no chose in action shall by this Act be made assignable at law.

vi. That neither the word "grant" nor the word "exchange" in any deed shall have the effect of creating any warranty or right of re-entry, nor shall either of such words have the effect of creating any covenant by implication, except in cases where by any Act of Parliament it is or shall be declared that the word "grant" shall have such effect.

vii. That no conveyance shall be voidable only when made by feoffment or other assurance where the same would be absolutely void if made by release or grant; and that no assurance shall create any estate by wrong, or have any other effect than the same would have if it were to take effect as a release, surrender, grant, lease, bargain and sale, or covenant to stand seised (as the case may be).

viii. That after the time at which this Act shall come into operation no estate in land shall be created by way of contingent remainder; but every estate which before that time would have taken effect as a contingent remainder shall take effect (if in a will or codicil) as an executory devise, and (if in a deed) as an executory estate of the same nature and having the same properties as an executory devise; and contingent remainders existing under deeds, wills, or instruments executed or made before the time when this Act shall come into operation shall not fail, or be destroyed or barred, merely by reason of the destruction or merger of any preceding estate, or its determination by any other means than the natural effluxion of the time of such preceding estate, or some event on which it was in its creation limited to determine.

ix. That when any person entitled to any freehold or copyhold land by way of mortgage has or shall have departed this life, and his executor or administrator is or shall be entitled to the money secured by the mortgage, and the legal estate in such land is or shall be vested in the heir or devisee of such mortgagee, or the heir, devisee, or other assign of such heir or devisee, and possession of the land shall not have been taken by virtue of the mortgage, nor any action or suit be depending, such executor or administrator shall have power, upon payment of the principal money and interest due to him on the said mortgage, to convey by deed or surrender (as the case may require) the legal estate which became vested in such heir or devisee; and such conveyance shall be as effectual as if the same had been made by any such heir or devisee, his heirs, or assigns.

x. That the *bond fide* payment to and the receipt of any person to whom any money shall be payable upon any express or implied trust or for any limited purpose, or of the survivors or survivor of two or more mortgagees or holders, or the executors or administrators of such survivor, or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof, unless the contrary shall be expressly declared by the instrument creating the trust or security.

xi. That it shall not be necessary in any case to have a deed indented; and that any person, not being a party to any deed, may take an immediate benefit under it in the same manner as he might under a deed poll.

xii. That where the reversion of any land, expectant on a lease, shall be merged in any remainder or other reversion or estate, the person entitled to the estate into which such reversion shall have merged, his heirs, executors, administrators, successors, and assigns, shall have and enjoy the like advantage, remedy, and benefit against the lessee, his heirs, successors, executors, administrators, and assigns, for nonpayment of the rent, or for doing of waste or other forfeiture, or for not performing conditions, covenants, or agreements contained and expressed in his lease, demise, or grant, against the lessee, farmer, or grantee, his heirs, successors, executors, administrators, and assigns, as the person who would for the time being have been entitled to the mesne reversion which shall have merged would or might have had and enjoyed if such reversion had not been merged.

xiii. That this Act shall commence and take effect from the 31st of December 1844, and shall not extend to any deed, act, or thing executed or done, or (except so far as regards the provisions hereinbefore contained as to existing contingent remainders) to any estate, right, or interest created, before the 1st of January 1845.

xiv. That this Act shall not extend to Scotland.

CAP. LXXVII.

AN ACT to amend so much of an Act of the Fifth and Sixth Years of His late Majesty as relates to the Salary of the Clerk of the Crown in Chancery; and to make other Provisions in respect of the said Office.

(6th August 1844)

ABSTRACT OF THE ENACTMENTS.

1. *Part of recited Act repealed.*—Salary of 1,000*l.* per annum to be paid to the Clerk of the Crown.
2. *Officers, clerks, &c. entitled to superannuation out of Fee Fund.*
3. *Deficiency of Fee Fund to be paid out of Consolidated Fund.*

By this Act,

After reciting 5 & 6 Will. 4. c. 47, intituled 'An Act to repeal so much of an Act passed in the Third and Fourth Years of his present Majesty as relates to the Salary granted to the Clerk of the Crown in Chancery; and to make other Provisions

in relation to the said Office,' the salary of the Clerk of the Crown in Chancery was fixed at 500*l*. per annum for the duties of the said office: And that increased business and responsibility have been imposed upon the said officer since the passing of the said recited Act, and the salary now allowed to him is not considered to be commensurate with the importance of the office and the extent of its responsibility:—

It is Enacted,

I. That so much of the said recited Act by which the yearly salary of 500*l*. was granted to the said Clerk of the Crown in Chancery shall be and the same is hereby repealed; and instead and in lieu thereof there shall be paid to the said Clerk of the Crown in Chancery for the time being the salary of 1,000*l*. per annum, which shall be issued and payable out of, and be charged and chargeable upon, the same fund as the before-mentioned yearly salary of 500*l*. was directed to be issued out of, and made chargeable upon, by the said recited Act; and the said salary of 1,000*l*. per annum shall commence and be payable from the 1st of July 1844.

II. That every officer, clerk, and messenger now in the Crown Office in Chancery, or who may hereafter be appointed in the said office, shall, in case of his becoming incapable, by reason of infirmity of mind or body, to perform the duties of his office, be entitled to receive such superannuation allowance as the Commissioners of Her Majesty's Treasury shall direct; and in ascertaining and awarding the amount of such superannuation allowance the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in the Crown Office or in any other public office or situation prior to the passing of this Act, and shall proceed according to the principles laid down by an Act, 4 & 5 Will. 4. c. 24, intituled 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;' and the allowances which shall be so awarded and granted by way of superannuation, under the authority aforesaid, shall be paid out of the Fee Fund of the said office, in the same way as the salaries of the clerks and the other incidental expenses of the office are now paid; and every officer, clerk, or messenger who shall hereafter be appointed in the said office shall be subject to the deduction from his salary which is imposed by the said Superannuation Act; and the sums so deducted shall from time to time be carried to and made part of the Fee Fund of the said office.

III. That if the Fee Fund of the said office of Clerk of the Crown in Chancery shall at any time hereafter prove insufficient to defray the salaries of the clerks, and the superannuation allowances hereby made chargeable upon the said fund, and the incidental and necessary expenses of the office, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any three of them, and they are hereby authorized and required, from time to time to direct the amount of such deficiency to be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, into which fund the surplus fees and emoluments of the said office are now paid, according to the provisions of the before-recited Act, 5 & 6 Will. 4. c. 47.

CAP. LXXVIII.

AN ACT to continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty George the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty George the Third, for preventing the administering and taking unlawful Oaths in Ireland.*

(6th August 1844.)

By this Act,

2 & 3 Vict. c. 74. is continued for one year from the said 1st of September in this present year.

CAP. LXXIX.

AN ACT to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

(6th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Appointment of additional Commissioners.
 2. Powers of former Acts extended to this Act.
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By this Act,

After reciting the passing of 7 & 8 Geo. 4. c. 75, 9 Geo. 4. c. 38, 2 & 3 Will. 4. c. 127, 3 & 4 Will. 4. c. 95, 6 & 7 Will. 4. c. 80, and 1 & 2 Vict. c. 57,—

It is Enacted,

1. That the several and respective persons after named shall and may and are hereby empowered and authorised (being duly qualified) to put in execution the said Acts, and all the clauses, powers, matters, and things whatsoever therein contained, as Commissioners in and for the several and respective counties, shires, stewartries, and places of Great Britain hereinafter severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act, 7 & 8 Geo. 4. c. 75.

11. That all the powers, authorities, provisions, matters, and things contained in the said recited Act, 7 & 8 Geo. 4. c. 75, and in the said several recited Acts, and in any other Act in force in relation to any acts, matters, and things to be done by Commissioners of Land Tax, shall extend to this Act, and to the Commissioners named therein, and shall be construed therewith, as fully and effectually to all intents and purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in this Act, and made part thereof.

CAP. LXXX.

AN ACT for completing the Guarantee Fund of the *South Sea Company*, for advancing for the Public Service Part of the unclaimed Stock and Dividends in the Hands of the said Company, and for regulating the Allowance to be paid for the Management of the *South Sea Stock and Annuities*.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Guarantee fund to be completed.*
2. *Annuities on which dividends are unclaimed for ten years to be transferred to Commissioners for Reduction of National Debt.*
3. *Duplicate register to be kept.*
4. *Unclaimed dividends and balances of repayments to be invested by the Commissioners.*
5. *By whom transfers shall be made.*
6. *Annuities may be retransferred to claimants.*
7. *Indemnity against new claims.*
8. *Relief for new claimants.*
9. *Balances of unclaimed dividends to be paid into the Bank.*
10. *Charge for management.*
11. *Act may be amended this session.*

By this Act,

After reciting that by 55 Geo. 3. c. 57. it was enacted, that in consideration of the surrender by the South Sea Company of their exclusive privileges of trade a guarantee fund should be formed and established, under the provisions of the said Act, in some of the public stocks or funds of Great Britain, bearing interest at the rate of 3*l*. per centum per annum, and that a separate account should be opened for that purpose at the Bank of England in the names of the Commissioners for the Reduction of the National Debt of Great Britain, to be called "The South Sea Company Guarantee Fund;" and that when and as soon as such fund should amount in the whole to the sum of 610,464*l*. 3*s*., bearing an interest at 3*l*. per centum per annum, the said Commissioners should forthwith transfer the same to the South Sea Company, in full satisfaction to the said company of and for the said exclusive rights of the said company; and by the same Act it was also enacted, that the Commissioners of His Majesty's Treasury should order payment out of the Consolidated Fund of Great Britain of such sums of money to the said company, from time to time, as should be sufficient to enable the company to continue to pay an additional dividend of one half per centum per annum, in addition to the 3*l*. per centum per annum payable upon the capital trading stock of the said company: And that by 1 & 2 Vict. c. 113. the Commissioners of Her Majesty's Treasury were authorised to direct the payment by the Commissioners of Her Majesty's Customs, out of any monies in their hands, of the annual sum of 3,720*l*. to the Commissioners for the Reduction of the National Debt, for the purpose of being applied toward the completion of the said guarantee fund, and to cease when the said fund should be completed: And that the said fund now amounts to a capital stock of 379,446*l*. 10*s*., bearing an interest of 3*l*. per centum per annum, standing in the name of the said Commissioners, and the further amount of 231,017*l*. 13*s*. is required to complete the said fund to the stipulated amount of 610,464*l*. 3*s*.: and that it is expedient that the said guarantee fund should be forthwith completed, in order that all further payments out of the Consolidated Fund toward making good any deficiency in the dividends upon the capital trading stock of the said company may cease;—

It is Enacted,

1. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by warrant under the hands of any three or more of them, to direct to be charged upon and paid to the Commissioners for the Reduction of the National Debt, out of the Consolidated Fund of the said United Kingdom, or out of the growing

produce thereof, such sum as shall be necessary for completing the said guarantee fund to the stipulated amount of 610,464*l.* s.; and that the said Commissioners for the Reduction of the National Debt shall forthwith invest the same in some of the public stocks or funds of the said United Kingdom, bearing an interest of 3*l.* per centum per annum, so as to complete the said guarantee fund, and shall certify the completion thereof to the Commissioners of Her Majesty's Treasury.

II. That within thirty days after the passing of this Act, and thereafter from time to time, all the capital stock of the old and new South Sea annuities, and of the annuities created under the provisions of an Act, 24 Geo. 2. c. 2, intitled, 'An Act for granting to His Majesty the Sum of Two million one hundred thousand Pounds, to be raised by Annuities and a Lottery, and charged on the Sinking Fund, redeemable by Parliament,' and managed by the said company, upon which no dividends shall have been demanded for the period of ten years or upwards next before the last day upon which any dividend upon any such annuities shall have become due or payable (except where the payment of any such dividends shall have been or shall be restrained by the order or injunction of a court of equity), shall be transferred, in manner hereinafter mentioned, in the books of the said company, from the account or accounts, name or names in which the same stands in the books of the said company, unto a new and separate account to be raised in the names of the Commissioners for the time being for the Reduction of the National Debt; and immediately after such transfer the name or names in which such annuities stood immediately before such transfer, and the residence and description of the parties, the amount transferred, and the dates of such transfers, shall be entered upon a list to be kept at the South Sea House for that purpose, which list shall be open for inspection at the usual hours of transfer at the South Sea House.

III. That a duplicate register of the list so made and kept at the South Sea House of all such transfers as aforesaid shall be kept in the office of the Commissioners for the Reduction of the National Debt, in which an entry shall be made of every such transfer immediately after the same shall have been made.

IV. That all dividends upon the annuities so transferred, from the respective times of the transfer thereof, and all balances of sums issued for paying any part of the principal sums invested in such annuities which shall not have been demanded for the same period, shall be paid to the account of the Commissioners for the Reduction of the National Debt for the time being, and shall be from time to time invested by the said Commissioners in the purchase of capital stock in some of the public stocks or funds of the United Kingdom of Great Britain and Ireland, to be placed to a separate account to be called "The Account of Unclaimed Dividends," and so from time to time as such dividends and balances of principal sums become due, and can be so invested; and all such dividends and balances, and the capital stock arising from the investment thereof as aforesaid, shall be held by the said Commissioners for the public, subject nevertheless to such claims to such stock, and the dividends due thereon, as may thereafter be made by the respective parties entitled thereto.

V. That all transfers to be made by the said company in pursuance of this Act shall be made and signed by the accountant or the secretary of the said company for the time being, and shall be as valid as if signed by the party or parties in whose name or names the stock or annuities so transferred shall stand at the time of such transfer; and the said company, and the said accountant and secretary of the said company, shall be indemnified and saved harmless for making and executing all such transfers under this Act, and shall not be in any manner accountable to the person or persons entitled or claiming to be entitled to the annuities which shall be so transferred, or to his, her, or their executors, administrators, or to any other person claiming by, from, or under him, her, or them, or to any other person or persons whatsoever having or claiming any interest whatsoever therein.

VI. Provided and enacted, That it shall be lawful for the governor, sub-governor, or deputy-governor of the said company for the time being to give to any person or persons who shall shew, to the satisfaction of such governor, sub-governor, or deputy governor, his, her, or their right and title to any such capital stock, a certificate thereof, directed to the said Commissioners; and on production of such certificate it shall be lawful for the said Commissioners, or the comptroller general or assistant comptroller, or chief clerk acting under the said Commissioners, to re-transfer any such capital stock, and to pay the dividends due thereon, and also to pay any such principal sum of money as aforesaid, as if the same had not been transferred or paid to the Commissioners for the Reduction of the National Debt; but in case the said governor, sub-governor, or deputy-governor shall not be satisfied of the justice or legality of any claim or claims which shall be made to any stock or annuities so transferred or paid to the account of the Commissioners for the Reduction of the National Debt, then the claimant or claimants may, by petition in a summary way, state and verify his, her, or their claim to such stock or money to the High Court of Chancery; and a copy of every such petition shall be served upon Her Majesty's Attorney General for the time being, and also upon the Commissioners for the Reduction of the National Debt; and the Court to which such petition shall be presented shall make such order thereon, either for the transfer of the stock or annuities to which such petition shall refer, and for payment of the dividends which shall have become due and payable thereon, or for the payment of such principal sum of money as aforesaid, or otherwise relating thereto, and to the costs of such application, as to such Court shall seem just; and all costs and expenses which shall be incurred by or on behalf of Her Majesty's Attorney General, or the said Commissioners for the Reduction of the National Debt, in resisting or appearing upon every such petition, (if not ordered by the Court to which the application shall be made to be paid out of the stock or annuities, and the dividends thereby claimed,) shall be paid by the said Commissioners for the Reduction of the National Debt out of the dividends or money to be received by them under this Act, and which shall not be claimed.

VII. That the said company, and the governor, sub-governor, and deputy-governor of the said company, and the accountant and secretary of the said company, and the said Commissioners, comptroller general, assistant comptroller, or chief clerk, shall be indemnified and saved harmless for any transfer or transfers which shall be made from the account of the Commissioners for the Reduction of the National Debt for the time being of any such stock or annuities as aforesaid, and also for the payment of the dividends due thereon, and also for the payment of any such principal sums of money as aforesaid, to any person or persons claiming such annuities and sums of money respectively, and shall not be answerable for the same to any new or other claimant or claimants; but such new or other claimant or claimants shall have their recourse against the person or persons to whom such transfer or payment of the said annuities or monies shall have been made.

VIII. Provided and enacted, That if in any case where such new or other claimant or claimants as aforesaid shall have established his, her, or their right and title to any such annuities or monies as shall have been transferred or paid to a first claimant or claimants, and shall not be able to obtain the transfer and payment thereof from such first claimant or claimants to whom the same shall have been erroneously transferred and paid, then the said Court of Chancery, upon application by petition of such new or other claimant or claimants, verified as such Court shall require, shall order the Commissioners for the Reduction of the National Debt to transfer to such new or other claimant or claimants such sum or sums in stock, and to pay him, her, or them such sum or sums in money, as and for the dividends, annuities, and monies aforesaid, as to such Court shall appear to be just, which transfers shall be made from stock transferred into the names of the said Commissioners under this Act; and the payment of dividends and annuities shall be made from dividends received by such Commissioners upon such stock transferred into their names as aforesaid, or the accumulations thereof, or from the sale of stock purchased from such dividends or accumulations, or any other monies at the disposition of the said Commissioners.

IX. That within thirty days after the 10th of October next, and within thirty days after the 5th of January, the 5th of April, the 5th of July, and the 10th of October 1845, and in every following year, an account shall be taken of the lowest amount of the balances in the hands of the said company on account of the said Old and New South Sea Annuities, and the annuities created by the said Act 24 Geo. 2. c. 2. due and not demanded, and also of sums which shall have been issued for the payment of any of the principal sums invested in such annuities remaining unclaimed; and it shall be lawful for the said company to retain a balance not exceeding 10,000*l.* out of such balances; and the whole of the surplus of such balances over and above the said sum of 10,000*l.* shall be paid, on or before the 5th of January, the 5th of April, the 5th of July, and the 10th of October 1845, and every following year, into the Bank of England to the credit of Her Majesty's Exchequer, and shall be carried to the account of the Consolidated Fund; and if at any time before the payment of the whole of the principal sums invested in the said annuities the monies remaining in the hands of the said company for payment of the said annuities or principal sums shall be reduced by any such payment into the Bank of England below the sum of 7,000*l.*, the said company shall in every such case send a certificate signed by their accountant to the Commissioners of the Treasury, and also to the Comptroller General of the Exchequer, setting forth the true amount of the balance of the said monies in their hands; and the Commissioners of the Treasury, by warrant under the hands of any three or more of them, shall direct to be charged upon and paid out of the growing produce of the Consolidated Fund such sum of money to the said company as shall be sufficient to make up the said balance to the sum of 10,000*l.*; and in every case in which such sum shall not be issued to the said company upon such certificate as aforesaid, interest after the rate of 5*l.* in the 100*l.* by the year shall be charged by and paid to the said company upon such sum until the same shall be issued and paid to the said company.

And after reciting that the said South Sea Company have assented to a reduction of the sums heretofore allowed to them for the charges of the management of the unredeemed public debt managed by them:—

It is Enacted,

X. That after the 5th of January 1845 there shall be issued and paid to the said company, for the charges of management of the unredeemed public debt managed by the said company, a sum estimated at the rate of 300*l.* by the year for each million of the capital of such debt; and as soon after the said 5th of January as conveniently may be there shall be made out an account of the total capital of unredeemed public debt by the said company as it shall stand on the said 5th of January; and the said allowance for the management of the said debt for the year ending on the 5th of January 1846 shall be computed on the capital as it stood on the 5th of January 1845, and shall be paid to the said company in one sum before the 5th of April 1846; and the allowance for management shall be computed and paid in like manner in every succeeding year; and the said allowances shall be instead of all other charges and allowances made or to be made to the said company for management of the said debt during the year 1845, and the following years, by any Act or agreement now in force: Provided always, that no such reduction as aforesaid in the charge of management shall be made until the said guarantee fund shall have been completed and transferred to the said company.

XI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXXI.—IRELAND.

AN ACT for Marriages in *Ireland*; and for registering such Marriages.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. After 31st of March 1845 all rules prescribed by the rubrick to continue to be observed.—Marriages shall be solemnized on production of registrar's certificate.
2. Nothing herein to affect the right of granting special licences.—Notice to be given to surrogate before licence.—Entry of notice.—Fee for entry.—No security required before granting licences.—Notice void after three months.
3. Roman Catholic marriages not affected.
4. Marriages between parties, one or both of whom are Presbyterians, may be solemnized in certified meeting houses.
5. Banns to be published in cases where both of the parties to be married are members of Presbyterian congregations.
6. Notice of the names, places of abode, and time of residence of the parties to be given to the minister six days before publication of banns.

7. Each *Presbytery* to appoint ministers to certify meeting houses.—Registry thereof.
8. Such ministers to grant licences for marriages to be solemnized in *Presbyterian* meeting houses.—Minister to give security.
9. Before licence granted one of the parties to appear before the minister, and to take a certain oath, &c.
10. Person applying for a licence to produce from the minister of the congregation of which such person shall be a member a certificate in a given form.
11. Caveat may be lodged with the minister against grant of licence.
12. Marriages of Quakers and Jews.
13. Notices of intended marriage to be given to the registrar of the district.—Proviso.
14. Registrar to keep notices in a book.
15. Notices to be published.
16. After seven days, or twenty-one days, certificate of notice to be given, upon demand.
17. Forms of certificates to be furnished.—Certificates for marriage by licence to be distinguishable from other certificates.
18. Issue of registrar's certificate may be forbidden.
19. Who are to give consent if parties are under age.
20. Who to give consent in case of incapacity of parents and guardians.
21. Registrar may grant licences for marriage.—Registrar to give security.—Proviso.
22. Certificate to be given before the licence is granted.
23. Caveat may be lodged with registrar against grant of licence or certificate.
24. Marriages not to be solemnized until after twenty-one days after entry of notice, unless by licence.
25. New notice required after three months.
26. Registrar's certificate or licence to be delivered to the person by or before whom the marriage is solemnized.
27. Places of worship may be registered for solemnizing marriages therein.
28. On removal of the same congregation, the new place of worship may be immediately registered instead of the one disused.
29. Marriages may be solemnized in such registered places in the presence of two witnesses.
30. Marriages may be celebrated before the registrar at his office.
31. Marriage fees to the registrar.
32. Proof of residence of parties, or of consent, &c. not necessary to establish the marriage.
33. Bishops, with consent of patrons, may license chapels for the solemnization of marriages in populous places.
34. Appropriation of fees on marriages performed in such chapels.
35. Patron or incumbent may appeal to the archbishop against such licences.
36. Notices of such licences to be affixed in chapels.
37. Marriages performed in such chapels to be under the same regulations as those performed in parish churches.
38. Option to parties to be married at parish church.
39. Bishop, with consent of archbishop, may revoke such licences;
40. In which case registers to be sent to the incumbent of the parish church.
41. Registrars of dioceses to send to the register office yearly lists of licensed chapels within their districts.—List of all chapels and buildings registered to be printed.
42. Marriages under this Act cognizable.
43. Persons vexatiously entering caveat liable to costs and damages.
44. Persons making false declarations, &c. guilty of perjury.
45. Persons unduly solemnizing marriage guilty of felony.
46. Solemnizing marriage without publication of banns, &c.
47. Registrars unduly issuing certificates guilty of felony.
48. Limitation of prosecution.
49. Marriages void if unduly solemnized with the knowledge of both parties.
50. 9 Geo. 2. (1.) and 23 Geo. 2. (1.) repealed; but Act not to affect existing enactments respecting degraded clergymen.
51. In fraudulent marriages, the guilty party to forfeit all property accruing from the marriage, as in 4 Geo. 4. c. 76.
52. A general registry office to be provided in Dublin.
53. Lord Lieutenant to appoint officers, and fix the salaries of registrar general and other officers.
54. Salaries to be paid out of the Consolidated Fund.
55. Regulations for conduct of officers, to be framed under direction of Lord Lieutenant.
56. Annual abstract of registers to be laid before Parliament.
57. Registrars to be appointed for districts to be formed by Lord Lieutenant.
58. A register office to be provided in each district.
59. Appointments, &c. exempt from stamp duty.
60. Register boxes to be provided.
61. All books, &c. to be transferred on removal of registrars.
62. Register books to be provided.
63. Registrars to furnish marriage register books and forms for certified copies.
64. Marriage registers to be kept in duplicate.
65. Duplicates and certified copies of registers of marriages to be sent to registrar.
66. Registrar to register all marriages solemnized before him in books to be sent by the registrar general.
67. Registrars to send certified copies of registers to the general register office.
68. Searches may be made and certificates given by the persons keeping the registers.—Fees.
69. Indexes to be made at every registrar's office, and persons allowed to search them.—Fees.
70. Indexes to be kept at general register office, searches allowed, and certified copies given.—Fees.
71. Certified copies given at general registry office to be sealed.
72. Clergymen, &c. may ask parties married the particulars required.

73. *Penalty for wilfully giving false information.*
74. *Penalty for not duly registering marriages, or for losing or injuring the registers.*
75. *Penalty for destroying or falsifying register books.*
76. *Accidental errors may be corrected.*
77. *Recovery of penalties.*
78. *Limitation as to summary convictions.*
79. *Appeal.*
80. *No certiorari.*
81. *Not to affect right of officiating minister to fees.*
82. *Registrar general to furnish notices to guardians of unions, &c. specifying acts required to be done by parties registering.*
83. *Certain marriages celebrated in Ireland to be the same in law as if solemnized by clergymen of the Established Church.*
84. *Extent of Act.*
85. *Act may be amended this session.*

By this Act,

After reciting that it is expedient to amend the law of marriages in Ireland, and to provide the means for a register of the marriages of Her Majesty's subjects in that part of the United Kingdom ;—

It is Enacted,

I. That after the 31st of March 1845 all the rules prescribed by the rubrick concerning the solemnizing of marriages shall continue to be duly observed, except as hereinafter provided, by every person in holy orders of the United Church of England and Ireland who shall solemnize any marriage in Ireland: Provided always, that the giving of notice to the registrar and the issue of the registrar's certificate for marriage without licence, as hereinafter mentioned, may be used and shall stand instead of the publication of banns, to all intents and purposes, where no such publication shall have been made; and every person in holy orders of the United Church of England and Ireland shall be bound to solemnize marriage on production of such certificate, in like manner as he is required to do by any law or canon now in force, after due publication of banns, so nevertheless that the church wherein any marriage according to the rites of the United Church of England and Ireland shall so be solemnized shall be within the district of the registrar by whom such certificate as aforesaid shall have been issued.

II. That nothing in this Act contained shall affect the right of the Archbishop of Armagh and his successors, and his and their proper officers, to grant special licences to marry at any convenient time or place, or, except as hereinafter provided, the right of any surrogate or other person now having authority to grant licences for marriage; provided that no surrogate or other person now having authority to grant licences for marriages shall grant any licence for marriage, not being a special licence, until seven days after notice shall have been given by one of the parties who shall have resided for not less than seven days then next preceding in the parish named in that notice, under his or her hand, in the form of Schedule (A.) to this Act annexed, or to the like effect, to such surrogate or other person having authority to grant licences as aforesaid, which notices he shall file and keep with the records of his office, and he shall also forthwith enter a true copy of such notices fairly in a book to be for that purpose furnished to him by the registrar general hereinafter mentioned, to be called "The Marriage Notice Book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and such surrogate or other person shall forthwith send a copy of such notice to the incumbent or incumbents of the parish or parishes in which the parties intending marriage dwell; and for entering every such notice the surrogate or other person shall be entitled to have a fee of 1s., over and above the accustomed fee for granting the licence; and after the said 31st of March no person applying for any such licence shall be required to give any security by bond or otherwise before the grant of such licence; and whenever a marriage shall not be had within three calendar months after the notice shall have been so given to the surrogate or other person as aforesaid, the notice, and any licence which may have been granted thereupon, shall be utterly void.

III. That nothing in this Act contained shall affect any marriages by any Roman Catholic priest which may now be lawfully celebrated, nor extend to the registration of any Roman Catholic chapel, but such marriages may continue to be celebrated in the same manner and subject to the same limitations and restrictions as if this Act had not been passed.

IV. That marriages between parties, both of whom are Presbyterians, may be solemnized according to the forms used by Presbyterians, either by the licence of a Presbyterian minister, or by publication of banns, as hereinafter respectively mentioned, in meeting houses to be certified as hereinafter mentioned, between the hours of eight in the morning and two in the afternoon, with open doors, and in the presence of two or more credible witnesses; and marriages between parties, of whom one only is a Presbyterian, may be solemnized according to the same forms, by such licence of a Presbyterian minister, in such meeting houses, between the same hours, with open doors, and in the presence of two or more credible witnesses: provided that in either case there be no lawful impediment to the marriage of such parties.

V. That after the said 31st of March, in every case in which a marriage shall be proposed to be solemnized by a Presbyterian minister between two Presbyterians, otherwise than by licence, banns of matrimony shall be published by or in the presence of a Presbyterian minister in the Presbyterian meeting house, certified as hereinafter is mentioned, frequented by the congregation of which the parties to be married shall be members, upon three Sundays preceding the solemnisation of the marriage, during the time of divine service, and any such marriage by a Presbyterian minister shall be solemnized in such meeting house, and not elsewhere; and whenever it shall happen that the parties to be married by a Presbyterian minister shall be members of different congregations the banns shall in like manner be published in the certified Presbyterian meeting house frequented by the congregation of which each of the parties to be married shall be a member; and in every such last-mentioned case of publication of banns the Presbyterian minister by or in whose presence such banns shall be published shall, in writing under his hand, certify the publication thereof; and any such marriage by a Presbyterian minister shall be solemnized in one of the certified Presbyterian meeting houses where such banns shall have been published, and in

no other place whatsoever; and before such marriage shall be solemnized the certificate of the Presbyterian minister by whom or in whose presence the banns shall have been published in the other certified meeting house shall be delivered to the Presbyterian minister solemnizing such marriage.

vi. That no Presbyterian minister shall publish or allow to be published any banns of matrimony in any Presbyterian meeting house of which he is minister, unless the persons to be married shall six days at the least before the time required for the first publication of such banns, deliver or cause to be delivered to such Presbyterian minister a notice in writing of their true christian and surnames, and of the congregation or congregations of which they shall respectively be members, and of the house or houses of their respective abodes, and of the time during which they have dwelt, inhabited, or lodged in such house or houses respectively.

vii. That each presbytery of Presbyterians in Ireland may from time to time, subject to the approbation of the Lord Lieutenant, appoint one or more ministers, who shall certify to the registrar hereinafter mentioned that the meeting house to be described in every such certificate is within such presbytery, and is used as a place of public religious worship, by Presbyterians in connexion with such presbytery; and such minister shall deliver to the registrar such certificate, signed in duplicate by him; and the registrar shall send both certificates to the registrar general, who shall cause such meeting house to be registered accordingly in a book to be kept for that purpose at the general register office hereinafter mentioned; and the registrar general shall cause to be indorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the general register office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such meeting house in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry, under his hand, on parchment or vellum, to the minister by whom the certificates shall have been signed, and shall give public notice of the registry thereof by advertisement in some newspaper circulating within the county, and in the *Dublin Gazette*; and for every such entry, certificate, and publication the registrar shall receive at the time of delivery to him of the certificates the sum of 1*l.*; and every such minister shall continue to exercise the powers given to him by this Act during the pleasure of the Lord Lieutenant.

viii. That every such minister so appointed and approved as aforesaid shall have authority to grant licences for marriage in any Presbyterian meeting-house, certified as aforesaid within his presbytery, in the form of Schedule (C.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of 5*s.*; and in any case in which such minister shall refuse to grant such licence the person applying for the same shall be entitled to appeal to the presbytery by which such minister shall have been appointed, which shall thereupon either confirm the refusal or direct the grant of the licence; and every such Presbyterian minister shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no such minister shall grant any such licence until he shall have given security by his bond in the sum of 100*l.* to the registrar general for the due and faithful execution of his office.

ix. That before any licence for marriage as last aforesaid shall be granted by any such Presbyterian minister, one of the parties intending marriage shall appear personally before such minister, and such party shall make and subscribe an oath, or a solemn affirmation or declaration instead of taking an oath, which oath, affirmation, or declaration such minister is hereby authorized to administer, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the presbytery within which the marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, when either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

x. That the party so appearing personally before the minister authorized to grant licences as aforesaid shall, seven days before the licence shall be delivered to him, produce to such minister a certificate according to the form in Schedule (D.) to this Act annexed, or to the like effect, from the minister of the congregation of which he or she shall be a member, and has been a member for at least one calendar month preceding, which certificate the minister authorized to grant licences as aforesaid shall carefully file and preserve in such place and manner as the presbytery shall direct, and shall also forthwith enter a true copy of all such certificates fairly into a book to be for that purpose furnished to him by the registrar general, to be called "The Marriage Notice Book," which book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for entering every such notice the minister shall be entitled to a fee of 1*s.*

xi. That any person may enter a caveat with the minister so appointed and approved against the grant of a licence for the marriage of any person named therein; and if any caveat be entered with such minister, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no licence shall issue or be granted until the minister shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; and in cases of doubt it shall be lawful for such minister to refer the matter of any such caveat to the presbytery by which he shall have been appointed, which shall decide upon the same.

xii. That the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively; and every such marriage shall be deemed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the Jewish religion respectively; provided also, that notice to the registrar shall have been given, and the registrar's certificate shall have issued in manner hereinafter provided.

XIII. That in every case of marriage intended to be solemnized in Ireland after the said 31st of March according to the rites of the United Church of England and Ireland (unless by licence or by special licence, or after publication of banns), and in every case of marriage intended to be solemnized in Ireland after the said 31st of March according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the parties shall give notice under his or her hand, in the form of Schedule (A.) to this Act annexed, or to the like effect, to the registrar, appointed as hereinafter is mentioned, of the district within which the parties shall have dwelt for not less than seven days then next preceding, or if the parties dwell in the districts of different registrars shall give the like notice to the registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time not being less than seven days during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized, which must be within the district within which one of the parties shall have dwelt for the time last aforesaid; but if either party shall have dwelt in the place stated in the notice during more than one calendar month it may be stated therein that he or she hath dwelt there one month and upwards: Provided always, that no such notice shall be required for any marriage by a Roman Catholic priest which may now lawfully be celebrated, or when the marriage is intended to be solemnized by a Presbyterian minister between two persons, both or one of whom shall be Presbyterians, in a Presbyterian meeting-house certified as aforesaid.

XIV. That the registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book to be for that purpose furnished to him by the registrar general, to be called "The Marriage Notice Book;" the cost of providing which shall be defrayed in like manner as the cost of providing the register book hereinafter mentioned; and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same; and for every such entry the registrar shall be entitled to have a fee of 1s.

XV. That on the day previous to each weekly meeting of the guardians of any poor law union, or of any parish or place comprising the district for which such registrar shall act, the registrar shall transmit to the clerk to the guardians all such notices of intended marriage as he shall have received on or since the day previous to the weekly meeting immediately preceding the same; and such clerk shall read such notices immediately after the minutes of the proceedings of such guardians at their last meeting shall have been read; and such notices shall be so read three several times in three successive weeks at the weekly meetings of such guardians, unless in any case licence for marriage shall be sooner granted, and notice of such licence being granted shall have been given to such clerk: Provided also, that if it shall happen that the board of guardians of any such union, parish, or place shall not so meet, it shall be sufficient for the purposes of this Act that such notices shall be read at every meeting of such guardians which shall be held within twenty-one days from the day of such notice being entered; and if no meeting be held within twenty-one days from the day of such notice being entered, the entry of such notice shall be sufficient for the purposes aforesaid.

XVI. That after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the day of the entry of such notice, the registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of Schedule (B.) to this Act annexed, provided that no lawful impediment be shewn to the satisfaction of the registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of seven days or of twenty-one days (as the case may be) has elapsed since the day of the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the registrar shall be entitled to have a fee of 1s.

XVII. That the registrar general shall furnish to every registrar a sufficient number of forms of certificates, the cost of which shall be accounted for by the registrar to the registrar general; and in order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a water-mark in the form of the word "Licence," in Roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence shall be written or printed; and every certificate to be issued for marriage by licence shall be printed with red ink, and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificate shall be used from time to time as shall seem fit to the registrar general.

XVIII. That any person authorized in that behalf may forbid the issue of the registrar's certificate by writing at any time before the issue of such certificate the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden the notice and all proceedings thereupon shall be utterly void.

XIX. That after the said 31st of March no marriage shall be solemnized in Ireland by licence either of a surrogate or deputy surrogate, or of a Presbyterian minister or a registrar, as herein provided, where either of the parties, not being a widower or widow shall be under the age of twenty-one years, unless the consent of the father of such of the parties so under age (if then living) be first had and obtained, or if dead of the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there shall be no such guardian or guardians, then of the mother of such party, if unmarried, and if there shall be no mother unmarried, then of the guardian or guardians appointed by the Court of Chancery, if any, or one of them; and every person whose consent to a marriage by licence is required as aforesaid shall be authorized to enter a caveat against the issue of licence by any person empowered by this Act to grant licences, and shall be also authorized to forbid the publication of banns in any church or chapel, or certified Presbyterian meeting house, and to forbid the issue of the registrar's certificate.

XX. Provided and enacted, That if the father or fathers of the parties to be married, or one of them, so under age as aforesaid, shall be *non compos mentis*, or the guardian or guardians, mother or mothers, or any of them, whose consent is made

necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall be lawful for any person desirous of marrying in any of the before-mentioned cases to apply by petition to the Lord Chancellor or the Lords Commissioners of the Great Seal of Ireland for the time being, or Master of the Rolls, who shall be empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to be proper, the said Lord Chancellor, Lords Commissioners of the Great Seal for the time being, or Master of the Rolls, shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian or guardians, or mother, of the person so petitioning, had consented to such marriage.

XXI. That after the said 31st of March every registrar shall have authority to grant licences for marriage in any building registered as hereinafter provided within his district, or in his office, in the form of Schedule (E.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of 5s.; and every registrar shall four times in every year, on such days as shall be appointed by the registrar general, make a return to the registrar general of every licence granted by him since his last return, and of the particulars stated concerning the parties: Provided always, that no registrar shall grant any such licence until he shall have given security by his bond in the sum of 100l. to the registrar general for the due and faithful execution of his office: Provided also, that nothing herein contained shall authorize any registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the United Church of England and Ireland, or in any church or chapel belonging to the said united church, or licensed for the celebration of divine worship, according to the rites and ceremonies of the said united church, or any licence for a marriage between two persons, both or one of whom shall be Presbyterians, in a Presbyterian meeting house certified as aforesaid.

XXII. That before any licence for marriage shall be granted by any such registrar one of the parties intending marriage shall appear personally before such registrar, and, in case the notice of such intended marriage shall not have been given exclusively to such registrar, shall deliver to him the certificate of the other registrar to whom such notice shall have been given, and such party shall make oath, or shall make his or her solemn affirmation or declaration instead of taking an oath, that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the district within which such marriage is to be solemnized, and that they are both of the full age of twenty-one years, or, where either of the parties shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, or that such party is a widower or widow, as the case may be.

XXIII. That any person, upon the payment of the sum of 5s., may enter a caveat with the registrar against the grant of a certificate or a licence for the marriage of any person named therein; and if any caveat be entered with the registrar, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate or licence shall issue or be granted until the registrar shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the certificate or licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; provided that in cases of doubt it shall be lawful for the registrar to refer the matter of any such caveat to the registrar general, who shall decide upon the same; provided likewise, that in case of the registrar refusing the grant of the certificate or licence the person applying for the same shall have a right to appeal to the registrar general, who shall thereupon either confirm the refusal or direct the grant of the certificate or licence.

XXIV. That after the said 31st of March no marriage after such notice as aforesaid, unless by virtue of a licence to be granted by the registrar, shall be solemnized or registered in Ireland until after the expiration of twenty-one days after the day of the entry of such notice as aforesaid; and no marriage shall be solemnized by the licence of any registrar or registered until after the expiration of seven days after the day of the entry of such notice as aforesaid.

XXV. That whenever a marriage shall not be had within three calendar months after the day on which the notice shall have been so entered by the registrar, the notice and certificate, and any licence which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

XXVI. That the registrar's certificate, or, in case the parties shall have given notice to the registrars of different districts, the certificate of each registrar, shall be delivered to the officiating minister, if the marriage shall be solemnized according to the rites of the United Church of England and Ireland, or to the registering officer of the people called Quakers for the place where the marriage is solemnized, if the same shall be solemnized according to the usages of the said people, or to the officer of a synagogue by whom the marriage is registered, if the same shall be solemnized according to the usages of persons professing the Jewish religion, and in all other cases shall be delivered to the registrar present at the marriage, as hereinafter provided, and shall be by him kept with the records of his office.

XXVII. That any proprietor or trustee of a separate building, being a place of religious worship, may apply to the registrar of the district, in order that such building may be registered for solemnizing marriages therein, and in such case shall deliver to the registrar a certificate, signed in duplicate by ten householders at the least, that such building has been used by them during one year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered; and the registrar shall send both certificates to the registrar general, who shall cause such building to be registered accordingly in a book to be kept for that purpose at the General Register Office; and the registrar general

shall cause to be indorsed on both certificates the date of the registry, and shall keep one certificate with the other records of the General Register Office, and shall return the other certificate to the registrar, who shall keep the same with the other records of his office; and the registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the registrar general, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof by advertisement in some newspaper circulating within the county, and in the *Dublin Gazette*; and for every such entry, certificate, and publication the registrar shall receive at the time of the delivery to him of the certificates the sum of 1l.

XXVIII. That if at any time subsequent to the registry of any such building for solemnizing marriages therein it shall be made to appear to the satisfaction of the registrar general that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the registrar general shall cause the registry thereof to be cancelled; provided that if it shall be proved to the satisfaction of the registrar general that the same congregation use instead thereof some other such building for the purpose of public religious worship, the registrar general may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the registrar general by or through the registrar of the district; and such cancelling or substitution, when made, shall be made known by the registrar general to the registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancelling or substitution and registry in manner hereinbefore provided in the case of the original registry of the disused building; and for every such substitution the registrar shall receive from the party requiring the substitution the sum of 1l; and after such cancelling or substitution shall have been made by the registrar general it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

XXIX. That after the expiration of the said period of twenty-one days, or of seven days if the marriage is by licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt: Provided nevertheless, that every such marriage shall be solemnized with open doors, between the hours of eight in the forenoon and two in the afternoon, in the presence of the registrar of the district in which such registered building is situate, and of two or more credible witnesses; provided also, that in some part of the ceremony, and in the presence of such registrar and witnesses, each of the parties shall declare,

'I do solemnly declare, That I know not of any lawful Impediment why I *A. B.* may not be joined in Matrimony to '*C. D.*'

And each of the Parties shall say to the other,

'I call upon these Persons here present to witness, That I *A. B.* do take thee *C. D.* to be my lawful wedded Wife [*or Husband*].'

Provided also, that there be no lawful impediment to the marriage of such parties.

XXX. That any persons who shall object to marry under the provisions of this Act in any such registered building may after due notice and certificate issued as aforesaid, contract and solemnize marriage on any day except Sunday at the office and in the presence of the registrar of the district, and in the presence of two witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided in the case of marriage in any such registered building.

XXXI. That the registrar shall be entitled, for every marriage which shall be solemnized under this Act in his presence, to have from the parties married the sum of 10s. if the marriage shall be by licence, and otherwise the sum of 5s.

XXXII. That after any marriage shall have been solemnized it shall not be necessary in support of such marriage to give any proof of the actual dwelling of either of the parties previous to the marriage within the district or presbytery (as the case may be) wherein such marriage was solemnized for the time required by this Act, or of the consent of any person whose consent thereunto is required by law; and where a marriage shall have been solemnized in a certified Presbyterian meeting house, it shall not be necessary to prove that either of the parties was a Presbyterian, or, if the marriage was by licence, that the certificate required to be delivered to the minister granting such licence had been so delivered, or, where the marriage was by banns, that a certificate of the publication of banns had been produced to the minister by whom the marriage was solemnized, in cases where such production is required by this Act; nor shall any evidence be given to prove the contrary of any of these several particulars in any suit touching the validity of such marriage, or in which such marriage shall be questioned.

And after reciting that it is expedient that provision should be made, under proper restrictions, for relieving the inhabitants of populous districts remote from the parish church, or from any chapel wherein marriages may be lawfully celebrated according to the rites and ceremonies of the United Church of England and Ireland, from the inconvenience to which they may be thereby subjected in the solemnization of their marriages:—

It is Enacted,

XXXIII. That, with the consent of the patron and incumbent respectively of the church of the parish or district in which may be situated any public chapel with or without a chapelry thereunto annexed, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the United Church of England and Ireland, or any chapel the minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the United Church of England and Ireland, or without such consent after two calendar months notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the publication of banns and solemnisation of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence,

and under such provisions as to the said bishop may seem fit, and as may be specified in the said licence; and the said licence shall be construed to extend to and authorize marriages in such chapels between parties, one or both of whom is or are resident within the said district: Provided always, that where the parties to any marriage intended to be solemnized after publication of banns shall reside within different ecclesiastical districts, the banns for such marriage shall be published as well in the church or chapel wherein such marriage is intended to be solemnized as in the chapel licensed under the provisions of this Act for the other district within which one of the parties is resident, and if there be no such chapel then in the church or chapel in which the banns of such last-mentioned party may be legally published: Provided also, that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withholden; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withholden, a copy of the notice under the hand of the registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

XXXIV. That all fees, dues, and other emoluments on account of the solemnization of marriages, which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid, shall respectively be received, until the avoidance of such church or chapel next after the passing of this Act, for and on account of such incumbent, and until the vacancy in the office of clerk next after the passing of this Act for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop, in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last-mentioned chapel, as shall be specified in such licence, shall be receivable and the same shall thenceforth be received by or for the minister and clerk of such chapel respectively.

XXXV. That when the said bishop shall authorize the solemnization of marriages in any such chapel as aforesaid, without the consent of the patron and incumbent respectively, it shall be lawful for them or either of them to appeal within one calendar month to the archbishop of the province, who shall hear the same in a summary manner, and shall make such order confirming, revoking, or varying the licence so given, as to him shall seem meet and expedient, which order shall be registered in the registry of the diocese, and shall be conclusive and binding on all parties whatsoever.

XXXVI. That there shall be placed in some conspicuous part in the interior of every chapel in respect of which such licence shall be given as aforesaid a notice in the words following; "Banns may be published and Marriages may be solemnized in this Chapel."

XXXVII. That all provisions which shall from time to time be in force relative to marriages, and to providing, keeping, and transmitting register books and copies of registers of marriages solemnized in any parish church, shall extend to any chapel in which the solemnization of marriages shall be authorized as aforesaid, in the same manner as if the same were a parish church; and everything required by law to be done relating thereto by the rector, vicar, curate, or churchwardens respectively of any parish church shall be done by the officiating minister, chapelwarden, or other person exercising analogous duties in such chapel respectively.

XXXVIII. Provided and enacted, That, notwithstanding any such licence as aforesaid to solemnize marriages in any such chapel, the parties may, if they think fit, have their marriage solemnized in the parish church, or in any chapel in which heretofore the marriage of such parties or either of them might have been legally solemnized.

XXXIX. That any such licence or order may at any time be revoked by writing under the hand and seal of the bishop of the diocese, with the consent in writing of the archbishop of the province; and such revocation and consent shall be registered in the registry of the diocese, the registrar whereof shall notify the same in writing to the minister officiating in the chapel, and shall also give public notice thereof by advertisement in some newspaper circulating within the county, and in the *Dublin Gazette*, and thenceforth the authority to solemnize marriages in such chapel shall cease.

XL. That in case of the revocation of the licence to solemnize marriages in any such chapel all registers of marriages solemnized therein under such licence which shall be in the custody or possession of the minister of such chapel at the time of such revocation shall forthwith be transmitted to the incumbent or officiating minister of the parish church and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity, to all intents and purposes, as if they had been originally made by and deposited with such incumbent or officiating minister; and that such incumbent or minister shall, when he next transmits to the registrar copies of the registers of marriages solemnized in such parish church, also therewith transmit copies of all such entries as shall have been made in such first-mentioned registers subsequent to the date of the last entry a copy whereof was transmitted to the registrar, and shall also transmit to him one copy of every register book so transmitted to him of which no copy shall have been already transmitted to the registrar, having first signed his name at the foot of the last entry therein.

XLI. That the registrar of every diocese shall, within fifteen days after the said 31st of March, and also within fifteen days after the 1st of January, in every succeeding year, make out and send through the post-office, directed to the registrar-general of marriages at his office, a list of all chapels belonging to the United Church of England and Ireland within that diocese wherein marriages may lawfully be solemnized according to the rites and ceremonies of the United Church of England and Ireland, and shall distinguish in such list which have a parish, chapelry, or other recognised ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this Act, and shall state therein the district for which

each of such chapels is licensed according to the description thereof in the licence; and the registrar general shall in every year cause to be made out and printed a list of all such chapels, and also of all places of public worship registered under the provisions of this Act, and shall state in such list the county and registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the registrars; and a copy of such list shall be sent to every registrar.

XLII. That every marriage solemnized under this Act shall be good and cognizable in like manner as marriages before the passing of this Act according to the rites of the United Church of England and Ireland.

XLIII. That every person who shall enter a caveat with the registrar against the grant of any licence or issue of any certificate on grounds which the registrar general shall declare to be frivolous, and that they ought not to obstruct the grant of the licence, shall be liable for the costs of the proceedings, and for damages, to be recovered in a special action upon the case by either of the parties against whose marriage such caveat shall have been entered; and a copy of the declaration of the registrar general, purporting to be sealed with the seal of the General Register Office, and which seal it shall not be necessary to prove, shall be evidence that the registrar general has declared such caveat to be entered on frivolous grounds, and that they ought not to obstruct the grant of the licence.

XLIV. That every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate required by this Act, for the purpose of procuring any marriage, and every person who shall forbid the issue of any registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by this Act, or by falsely representing himself to be acting on behalf of such person, knowing such representation to be false, shall suffer the penalties of perjury.

XLV. That every person who after the said 31st of March shall knowingly and wilfully solemnize any marriage or pretended marriage in Ireland, unless by special licence of the Archbishop of Armagh and his successors, and his or their proper officers, in any other place than a church or chapel in which marriages may be solemnized according to the rites of the United Church of England and Ireland, or a Presbyterian meeting-house certified as aforesaid, or than the registered building or office specified in the notice and certificate as aforesaid, shall be guilty of felony (except in the case of a marriage by any Roman Catholic priest which may now be lawfully celebrated, or a marriage between two of the Society of Friends commonly called Quakers, according to the usages of the said society, or between two persons professing the Jewish religion, according to the usages of the Jews); and every person who in any such registered building or office shall knowingly and wilfully solemnize any marriage or pretended marriage in the absence of the registrar shall be guilty of felony; and every person who shall knowingly and wilfully solemnize any marriage or pretended marriage in Ireland after the said 31st of March (except by licence) within twenty-one days after the day of the entry of the notice to the registrar as aforesaid, or if the marriage is by licence within seven days after the day of the entry required by this Act made in any marriage notice book, or after three calendar months after the day of such entry, shall be guilty of felony.

XLVI. That every person knowingly and wilfully solemnizing any marriage, unless after due publication of banns or licence, or the issue of the registrar's certificate, or who shall knowingly and wilfully grant any such licence or publish any such banns, after the issue of such licence or the publication of such banns shall have been lawfully forbidden by some person authorized as aforesaid, shall be guilty of felony.

XLVII. That every registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the day on which the notice shall have been entered by him as aforesaid, or any certificate for marriage by licence before the expiration of seven days after the day of the entry of the notice, or any certificate for marriage without licence before the expiration of twenty-one days after the day of the entry of the notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the day on which the notice shall have been entered by the registrar as aforesaid, or who shall knowingly and wilfully solemnize or permit to be solemnized in his office any marriage herein declared to be null and void, shall be guilty of felony.

XLVIII. That every prosecution under this Act shall be commenced within the space of three years after the offence committed.

XLIX. That, except in the case of marriages by Roman Catholic priests which may now be lawfully celebrated, if any persons shall knowingly and wilfully intermarry after the said 31st of March, in any place other than the church or chapel or certified Presbyterian meeting-house, in which banns of matrimony between the parties shall have been duly and lawfully published, or specified, in the licence, where the marriage is by licence, or the church, chapel, registered building or office, specified in the notice and registrar's certificate or licence as aforesaid, or without due notice to the registrar, or without certificate of notice duly issued, or without licence from the registrar, in case such notice or licence is necessary under this Act, or in the absence of a registrar where the presence of a registrar is necessary under this Act, or if any person shall knowingly or wilfully, after the said 31st of March, intermarry in any certified Presbyterian meeting-house without publication of banns, or any licence, the marriage of all such persons, except in any case hereinbefore excepted, shall be null and void.

L. That after the said 31st of March an Act, 9 Geo. 2. (I.) intituled, 'An Act for the more effectual preventing clandestine Marriages,' and so much of an Act 23 Geo. 2. (I.) for explaining and making more effectual the last-recited Act, as relates to the last-recited Act, shall be repealed; but that nothing in this Act shall extend to repeal any enactments now in force in Ireland for preventing the performance of the marriage ceremony by degraded clergymen.

LI. That if any valid marriage shall be had under the provisions of this Act by means of any wilfully false notice, certificate, or declaration made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is

heroin required, it shall be lawful for Her Majesty's attorney-general or solicitor-general for Ireland to sue in the Court of Chancery or Court of Exchequer in Ireland for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnised in England by licence before the passing of this Act according to the rites of the Church of England.

LVI. That, in order to provide the means for a register of the marriages of Her Majesty's subjects in Ireland, who shall be married under the provisions of this Act, it shall be lawful for the Lord Lieutenant to provide a proper office in the city of Dublin, to be called "The General Register Office," for keeping a register of such marriages, and to appoint for the said office a registrar general of marriages in Ireland, and from time to time at pleasure to remove the said registrar general, and appoint some other person in his room.

LVII. That the Lord Lieutenant, or the registrar general, subject to the approval of the Lord Lieutenant, shall appoint from time to time such officers, clerks, and servants as he shall deem necessary to carry on the business of the general registry office, and at pleasure remove them or any of them; and the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any three of them, shall fix the salary of the registrar general, so that the same shall not at any time exceed the sum of 800*l.* yearly, and shall fix the salaries of the officers, clerks, and servants in fit proportion, according to the duties they may have to perform.

LVI. That the salaries of the registrar general, and of the said officers, clerks, and servants, and all expenses of carrying on the business of the general registry office, not herein otherwise provided for, shall be paid by the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

LV. That the Lord Lieutenant, or the registrar general, with his approbation, from time to time may make regulations for the management of the said register office, and for the duties of the registrar general, clerks, officers, and servants of the said office, and of the registrars hereinafter mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said registrar general, clerks, officers, and servants, and on the registrars.

LVI. That the registrar general shall send once in every year to the Lord Lieutenant, who shall forthwith transmit the same to one of the principal Secretaries of State, a general abstract of the number of marriages registered during the foregoing year, in such form as the said secretary from time to time shall require; and every such annual general abstract shall be laid before Parliament within one calendar month after receipt thereof, or, if Parliament be not then sitting, within one calendar month after the next meeting of Parliament.

LVII. That the Lord Lieutenant shall, as soon as may be after the passing of this Act, form all the parishes, townships, and places in Ireland into districts; and the Lord Lieutenant shall appoint a sufficient number of fit persons to be registrars for such districts, and shall appoint the districts which each shall superintend; and every such registrar shall hold his office during the pleasure of the registrar general.

LVIII. That a register office shall be provided and upheld in each district, according to a plan to be approved by the registrar general, for preserving the registers to be deposited therein, as hereinafter provided; and the care of the said office, and the custody of the registers deposited therein, shall be given to the registrar of the district.

LIX. That the appointments of registrars, and the duplicates and certified copies of registers, hereinafter mentioned, shall be exempt from stamp duties.

LX. That the registrar general shall furnish to every registrar a sufficient number of strong iron boxes to hold the register books to be kept by every such registrar; and every such box shall be furnished with a lock and key, which key shall be kept by the registrar; and the register books of each district, while in the custody of the registrar, and not in use, shall be always kept in the register box, and the register box shall always be left locked.

LXI. That in every case in which any registrar shall be removed from or cease to hold the said office, all register boxes, keys, books, documents, and papers in his possession as such registrar shall be given as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such box, key, books, documents, or papers in such case as aforesaid it shall be lawful for any Justice of the Peace for the county or other jurisdiction where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any two Justices of the Peace for the said county or other jurisdiction; and upon such person appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to the Justices that any such box, key, books, documents, or papers are in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the said Justices shall commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be; and the said Justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

LXII. That the registrar general shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all marriages of Her Majesty's subjects in Ireland who shall be married under the provisions of this Act, according to the form of Schedule (G.) to this Act annexed; and the said register books shall be of

durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of marriages; and every page of each of such books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

LXIII. That the registrar general shall furnish to every registrar a sufficient number of marriage register books, and forms for certified copies thereof as hereinafter provided, and also, on being thereunto required, shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in Ireland wherein marriages may lawfully be solemnized, and also to the Presbyterian minister of every certified Presbyterian meeting-house, and also to every person whom the recording clerk of the Society of Friends commonly called Quakers, at their central office in Dublin, shall from time to time certify in writing under his hand to the registrar general to be a registering officer in Ireland of the said society, and also to every person whom the president for the time being of the London committee of deputies of the British Jews shall from time to time certify in writing under his hand to the registrar general to be the secretary of a synagogue in Ireland of persons professing the Jewish religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as hereinafter provided; and the cost of all such books and forms shall be paid by the high constable out of the county rates.

LXIV. That every clergyman of the United Church of England and Ireland, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage according to the form of the said Schedule (G.); and every Presbyterian minister of a certified Presbyterian meeting-house, and every such registering officer of the Quakers, as soon as conveniently may be after the solemnization of any marriage between two Quakers in the district for which he is registering officer, and every such secretary of a synagogue, immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars relating to that marriage according to the form of the said Schedule (G.); and every such registering officer or secretary, whether he shall or shall not be present at such marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said society, or of the persons professing the Jewish religion, as the case may be; and every such entry as hereinbefore is mentioned (whether made by such clergyman or by such Presbyterian minister, or by such registering officer or secretary respectively as aforesaid,) shall be signed by the clergyman, or by such Presbyterian minister, or by the said registering officer or secretary, as the case may be, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of each book, and the number of the place of entry in each duplicate marriage register book shall be the same.

LXV. That the rector, vicar, or curate of every such church and chapel, and every such Presbyterian minister of a certified Presbyterian meeting-house, and every such registering officer and secretary, shall, in the months of April, July, October, and January respectively, make and deliver to the registrar of the district in which such church or chapel or certified Presbyterian meeting-house or registered place of worship may be situated, or which may be assigned by the registrar general to such registering officer or secretary, on one of the forms to be furnished to him as aforesaid by the registrar general, a true copy certified by him under his hand of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of April 1845, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand, and shall keep the said marriage register books safely until the same shall be filled; and one copy of every such register book, when filled, shall be delivered to the registrar of the district in which such church or chapel or certified Presbyterian meeting-house may be situated, or which shall have been assigned as aforesaid to such registering officer or secretary, and the other copy of every such register book kept by any such rector, vicar, or curate shall remain in the keeping of such rector, vicar, or curate, and shall be kept by him with the registers of baptisms and burials of the parish or chapelry within which the marriages registered therein shall have been solemnized, and the other copy of every such register book kept by any such Presbyterian minister shall remain under the care of such Presbyterian minister, and be kept with the other registers and records of his meeting-house, and the other copy of every such register book of marriages among the people called Quakers and among persons professing the Jewish religion respectively shall remain under the care of the said people or persons respectively, to be kept with their other registers and records, and shall, for the purposes of this Act, be still deemed to be in the keeping of the registering officer or secretary for the time being respectively.

LXVI. That the registrar shall forthwith register every marriage solemnized in manner aforesaid in his presence, either in a registered building or in his office, in a marriage register book to be furnished to him for that purpose from time to time by the registrar general according to the form in Schedule (G.); and every entry of such marriage shall be signed by the registrar, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book; and the registrar shall keep the said marriage register books with the records of his office, and shall, in the months of April, July, October, and January respectively, make, on one of the forms to be furnished to him as aforesaid by the registrar general, a true copy, certified by him as aforesaid, in the form of Schedule (F.) annexed to this Act, of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July 1845, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate shall certify the fact under his hand.

LXVII. That every registrar shall four times in every year, on such days as shall be therefore named by the registrar general, send to the registrar general all the certified copies of the registers of marriages which he shall have so made or received; and the registrar general, if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and the certified copies so sent to the general registry

office shall be thereafter kept in the said office in such order and manner as the registrar general, under the direction of the lord lieutenant, shall think fit, so that the same may be most readily seen and examined.

LXVIII. That every rector, vicar, or curate, or presbyterian minister of a certified presbyterian meeting house, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of marriages, wherein any marriage shall have been registered under this Act, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee hereinafter mentioned; (that is to say,) for every search extending over a period not more than one year the sum of 1s., and 6d. additional for every additional year, and the sum of 2s. 6d. for every single certificate.

LXIX. That every registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office; and that every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the registrar, on payment of the fees hereinafter mentioned; (that is to say,) for every general search the sum of 5s., and for every particular search the sum of 1s., and for every certified copy the sum of 2s. 6d.

LXX. That the registrar general shall cause indexes of all the said certified copies of the registers to be made and kept in the general register office; and that every person shall be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas-day, and Good Friday, and to have a certified copy of any entry in the said certified copies of the registers; and for every general search of the said indexes shall be paid the sum of 20s., and for every particular search the sum of 1s., and for every such certified copy the sum of 2s. 6d., and no more, shall be paid to the registrar general, or such other officer as shall be appointed for that purpose, on his account.

LXXI. That the registrar general shall cause to be made a seal of the said register office, and the registrar general shall cause to be sealed or stamped therewith all certified copies of entries given in the said office; and all certified copies of entries purporting to be sealed or stamped with the seal of the said register office, and which seal it shall not be necessary to prove, shall be received as evidence of the marriage to which the same relates, without any further or other proof of such entry, and no certified copy purporting to be given in the said office shall be of any force or effect which is not sealed or stamped as aforesaid.

LXXII. That it shall be lawful for every clergyman of the United Church of England and Ireland who shall solemnize any marriage in Ireland, and for every Presbyterian minister of a certified Presbyterian meeting house, and for the registrar before whom any marriage is solemnized under this Act, either in any registered building or in his office, and for every registering officer of the Quakers, and every secretary of a synagogue, after the said 31st of March, to ask of the parties to be married the several particulars herein required to be registered touching such marriage.

LXXIII. That every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of marriage, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

LXXIV. That every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or which he ought to register, and every person having the custody of any register book, or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding 50l. for every such offence.

LXXV. That every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted, in any register book or certified copy thereof any false entry of any marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, of which a copy or extract shall be so given, or shall forge or counterfeit the seal of the register office, shall be guilty of felony.

LXXVI. Provided and enacted, That no person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, either by himself or any predecessor in his office, shall be therefore liable to any of the penalties aforesaid if within one calendar month next after the discovery of such error, in the presence of the parties married, or in case of the death or absence of such parties, then in the presence of the registrar and of two other credible witnesses who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereunto the day of the month and year when such correction shall be made, and shall make the like marginal entry, attested in like manner, in the duplicate marriage register book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or in case such certified copy shall have been already made he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

LXXVII. That all fines and forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two Justices of the Peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person; and if on the conviction of the offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses (which oath such Justices are hereby empowered to administer) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of

the offender, by warrant under the hand and seal of such Justices; and for want of distress such Justices may commit every such offender to the common gaol or house of correction for the county, city, or place where the offence shall be committed, without bail or mainprize, for any term not exceeding one calendar month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; and one moiety of all such fines and forfeitures shall go to the person who shall inform and sue or prosecute for the same, and the other moiety shall go to the registrar general, or to such other person as the Commissioners of the Treasury shall appoint, for the use of Her Majesty; and no distress made by virtue of this Act shall be deemed unlawful, nor shall the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, or warrant of distress, or on account of any irregularity which shall be afterwards committed by the party distraining, but the person or persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

LXXXVIII. That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months next after the commission of the offence.

LXXXIX. That in all cases where the sum adjudged to be paid on any such summary conviction shall exceed *5l.*, any person convicted may appeal to the next Court of General or Quarter Sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a Justice of the Peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizances being entered into, the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

LXXX. That no such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari or otherwise into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

LXXXI. Provided and enacted, that nothing herein contained shall affect the right of any officiating minister to receive the fees now usually paid for the performance or registration of any marriage.

LXXXII. That the said registrar general shall, within three calendar months after his appointment to such office, furnish to the respective guardians of every union, parish, or place printed notices, which the said guardians shall, as soon as conveniently may be after the receipt thereof, cause to be fixed or placed on the outside of the several church and chapel doors, or other public and conspicuous buildings or places, within their respective unions, parishes, or places, and which said notices shall specify the several acts required to be done by persons who may be desirous of solemnizing marriage under the provisions of this Act.

And after reciting that marriages have in divers instances been had and celebrated in Ireland by Presbyterian and other Protestant Dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons of the same or different religious persuasions, and it is expedient to confirm such marriages:—

It is Enacted,

LXXXIII. That all marriages had and celebrated in Ireland since the passing of an Act passed in the last session of Parliament, intitled 'An Act for Confirmation of certain Marriages in Ireland,' and before the passing of this Act, by Presbyterian or other Protestant Dissenting ministers or teachers, or those who at the time of such marriages had been such, shall be and shall be adjudged and taken to have been and to be of the same force and effect in law as if such marriages had been solemnised by clergymen of the United Church of England and Ireland, and of no other force nor effect whatsoever.

LXXXIV. That this Act shall extend only to Ireland, and shall not extend to the marriage of any of the royal family.

LXXXV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A).

NOTICE OF MARRIAGE.

To A. B. [or C. D.] Surrogate [or Deputy Surrogate], or

To the Registrar, of the District of [Roscrea] in the County of [Tipperary], [as the case may be].

I HEREBY give you Notice, That a Marriage is intended to be had, within Three Calendar Months from the Date hereof, between me and the other Party herein named and described; (that is to say,)

Name.	Con- dition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Mar- riage is to be solemnized.	District and County in which the other Party resides, when the Parties dwell in different Districts.
Lucius O'Hara	Widower	Carpenter	Of full Age.	High Street, Roscrea.	23 Days	Sion Chapel, Roscrea,	Maryborough, Queen's
Margaret Shaw	Spinster	- -	Minor -	Grove Farm. Parish Mary- borough.	More than a Month.	Tipperary.	County.

Witness my Hand this [Sixth] Day of [May 1845].

(Signed) *Lucius O'Hara.*

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (B.)

[No. 14.]

REGISTRAR'S CERTIFICATE.

I [*John Cox*], Registrar of the District of [*Roscrea*] in the County of [*Tipperary*], do hereby certify, That on the [Sixth] Day of [May] Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, delivered under the Hand of [*Lucius O'Hara*], One of the Parties; (that is to say,)

Name.	Con- dition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Mar- riage is to be solemnized.	District and County in which the other Party dwells, where the Parties dwell in different Districts.
Lucius O'Hara	Widower	Carpenter	Of full Age	High Street.	23 Days	Sion Chapel, Roscrea,	Maryborough, Queen's
Margaret Shaw	Spinster	- -	Minor -	Grove Farm.	More than a Month	Tipperary.	County.

Date of Notice entered, 6th May 1845. } The Issue of this Certificate has not been forbidden by any Person authorized to
Date of Certificate given, 28th May 1845. } forbid the Issue thereof.

Witness my Hand this [Twenty-eighth] Day of [May One thousand eight hundred and forty-five].

(Signed) *John Cox*, Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the [Seventh] Day of [August 1845].

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (C.)

LICENCE OF MARRIAGE.

WHEREAS a Marriage is intended to be solemnized between *A. B.* of _____ and *C. D.* : And whereas Application for a Licence hath been made to me *E. F.* the Presbyterian Minister duly authorized by His Excellency the Lord Lieutenant pursuant to the Provisions of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled "An Act," &c. [*here insert the Title of this Act*], to issue Marriage Licences within the Bounds of the Presbytery of _____ : And whereas I have received the Certificate required by Law from the Reverend *G. H.*, Minister of the Congregation of _____ of which *A. B.* [*or C. D.*] is a Member : And whereas I have duly ascertained, by the Oath [*or Affirmation*] of the said *A. B.* [*or C. D.*], that the Parties are respectively of the Age of Twenty-one Years, and that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that *A. B.* [*or C. D.*] has had his [*or her*] usual Place of Abode for the Space of Fifteen Days last past within the Bounds of the Presbytery of _____, or [*in Cases where either Party is under Age, and not a Widower or Widow,*] that *A. B.* [*or C. D.*] is under the Age of Twenty-one Years, and that the Consent of *I. K.*, whose Consent to his [*or her*] Marriage is required by Law, has been obtained thereto [*or that there is no Person having Authority to give such Consent, or, where a Party under Age is a Widower or Widow, that A. B. [or C. D.] is under Twenty-one Years of Age, but is a Widower or Widow [as the Case may be]*] : Now I do hereby grant unto the Reverend _____ or other the Minister officiating in the certified Presbyterian Meeting House of _____ full Licence, according to the Authority in that Behalf given to me by the said Act, to proceed to solemnize such Marriage ; provided that the said Marriage be publicly solemnized in the Presence of Two Witnesses, within One Calendar Month from the Date hereof, in the certified Presbyterian Meeting House of _____ [*here describe the Meeting House in which the Marriage is to be solemnized*], between the Hours of Eight in the Forenoon and Two in the Afternoon. Given under my Hand, this _____ Day of _____ One thousand eight hundred and _____

(Signed) *E. F.*

Licenser of Presbyterian Marriages.

SCHEDULE (D.)

PRESBYTERIAN MINISTER'S CERTIFICATE.

I [*John Mason*], Presbyterian Minister of _____ in the Presbytery of _____ do hereby certify, That on the _____ Day of _____ Notice was duly entered in a Book kept for that Purpose in my Congregation of the Marriage intended between the Parties therein named and described, delivered under the Hand of _____ One of the Parties, who is and has been for the last Calendar Month a Member of my own Congregation ; (that is to say,) _____

Name.	Condition.	Rank or Profession.	Age.	Residence.	Length of Residence.	Church or Building in which Marriage is to be performed.	County and Parish in which the other Party dwells, or where the Parties dwell in different Parishes, Congregations, or Districts.
John Brown	Widower	Mason	Full Age or 21.	County Down. Parish Comber. Town Comber. Townland Comber	2 Years	1st Presbyterian Church, Comber.	Congregation of Kilrea, County of Derry.
Mary Mahon	Spinster	Milliner	Full Age	County Derry. Parish Kilrea. Town Kilrea.			

Witness my Hand, this

Day of

One thousand eight hundred and

(Signed) [*John Mason,*]

Minister of the _____ Congregation of _____

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (E.)

LICENCE OF MARRIAGE.

A. B., Registrar of _____ to *C. D.* of _____ and *E. F.* of _____ sendeth greeting.

WHEREAS ye are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], and are desirous that the same may be speedily and publicly solemnized; and whereas you *C. D.* [*or E. F.*] have made and subscribed a Declaration under your Hand that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C. D.* [*or E. F.*] have [*or has*] had your [*or his or her*] usual Place of Abode for the space of Fifteen Days last past within the District of (_____), and [*in Cases where either Party is under Age, and not a Widower or Widow,*] that you *C. D.* [*or E. F.*] are [*or is*] under the Age of Twenty-one Years, and that the Consent of *G. H.*, whose Consent to your [*or his or her*] Marriage is required by Law, has been obtained thereto [*or that there is no Person having Authority to give such consent*], *or, where a Party so under Age is a Widower or Widow, that you C. D. [or E. F.] are [or is] under Twenty-one Years of Age, but are [or is] a Widower or Widow, [as the Case may be]*: I do hereby grant unto you full Licence, according to the Authority in that Behalf given to me by the said Act, to proceed to solemnize such Marriage; provided that the said Marriage be publicly solemnized in the Presence of Two Witnesses, within Three Calendar Months from the [*here insert the Date of the Entry in the Notice Book of the Registrar*], in the [*here describe the Building in which the Marriage is to be solemnized*], between the Hours of Eight in the Forenoon and Two in the Afternoon. Given under my Hand, this _____ Day of _____ One thousand eight hundred and _____

(Signed) *A. B.* Registrar.

SCHEDULE (F.)

I [*John Cox*], Registrar of the District of [*Roscrea*] in the County of [*Tipperary*], do hereby certify, That this is a true Copy of the Entries of Marriage registered in the said District from the Entry of the Marriage of [*John Wood*] and [*Anne Simpson*], Number [*One*], to the Entry of the Marriage of [*Lucius O'Hara*] and [*Margaret Shaw*], Number [*Fourteen*]. Witness my Hand, this [*First Day of July 1845*].

(Signed) *John Cox*, Registrar.

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (G.)

1845.—MARRIAGES solemnized [*at the Parish Church*] in the [*Parish of St. Audeon*] in the City of [*Dublin*].

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March 1845.	Patrick Donovan.	Of full Age.	Bachelor.	Carpenter.	3, South Street.	Peter Donovan.	Upholsterer.
		Mary O'Brien.	Minor.	Spinster.	—	17, High Street.	Laurence O'Brien.	Butcher.

Married in the [*Parish Church*], according to the Rites and Ceremonies of the [*United Church of England and Ireland, by Licence*], or [*after Banns*],

This Marriage was solemnized { *Patrick Donovan,* } in the _____ by me, [*William Jackson, Vicar.*]
between us, { *Mary O'Brien,* } Presence of us { *Dennis Donovan,*
{ *Laurence O'Brien.*

[The Particulars in this Schedule to be entered according to the Fact.]

CAP. LXXXII.—IRELAND.

AN ACT to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland*.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited provisions of said Act continued for five years.*
2. *Provisions of recited Act to apply to this Act, except as hereby altered.*
3. *Act may be altered this session.*

By this Act,

After reciting, that by 2 & 3 Vict. c. 79, it is amongst other things enacted, "That if during the space of five years from the passing of the said Act any officer or constable of police shall make oath in writing, to be by him taken and subscribed before a Justice of the Peace within his jurisdiction (which oath every such Justice is thereby empowered to administer and receive), that he, the said officer or constable, has good reason to believe that spirits are retailed or sold without a licence, or kept for sale without licence, in any room, house, or other place within the said district, at or over the outer door of which room, house, or place no sign or notice is posted or written, importing that the owner or occupier thereof is licensed to sell spirits, it shall be lawful for such Justice, by warrant under his hand and seal, to authorize and empower, within the police district of Dublin metropolis any Justice or superintendent inspector of police, and in any other part of Ireland any Justice or sub-inspector or chief constable of police, to enter into any such room, house, or other place aforesaid at or over the outer door of which no such sign or notice shall be posted or written:" And that certain other provisions of the like temporary nature are contained in the said recited Act imposing penalties on persons who shall be convicted of having been found in such unlicensed premises, and to have been drinking or tipping therein, or who shall delay to admit Justices and others seeking to enter such premises for the purposes of executing such warrant, or who shall maliciously or without probable cause make such oath, or enter such premises, or apprehend persons who shall not be or shall not have recently been tipping therein, and also to define what shall be sufficient evidence for the purpose of such conviction in the manner in the said Act specified: And that the said recited provisions of the said Act will expire on the 24th of August in this present year, and it is expedient to continue the same:—

It is Enacted,

- I. That the said recited provisions of the said Act shall be and continue in force for the further period of five years from the said 24th of August in this present year.
- II. That in every respect, save where it is expressly altered by this Act, the said recited Act, and every clause, matter, and thing therein contained, shall be and remain in full force, and shall apply to this Act, as if the same were herein re-enacted.
- III. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LXXXIII.

AN ACT to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Saving Banks.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *From and after 20th of November 1844, the interest payable to trustees of savings banks shall be at the rate of 3l. 5s. per cent.*
2. *After 20th of November 1844 interest to depositors not to exceed 3l. 0s. 10d. per cent.*
3. *Depositors on making first deposit to sign a declaration, and a copy thereof to be annexed to deposit book.*
4. *Punishment of actuary, &c. receiving deposits and not paying over same to managers, &c.*
5. *Depositor to produce his book at institution.*
6. *Limiting responsibility of trustees and managers.*
7. *Trust accounts.—Repayment of trust deposits.*
8. *Annuities not to exceed 30l.—Annuity may be granted to husband and to wife.*
9. *Amount payable on purchase of annuity.*
10. *Where deposits and interest do not exceed 50l. exclusive of interest, if will, &c. not proved within a month, money may be paid to widow or to party entitled to effects of deceased.*

11. *Payment on death of depositor, being illegitimate, and dying intestate.*
12. *Payment to married women of deposits made by them, when declared to be valid.*
13. *Time for making out half-yearly receipts and annual statement.*
14. *Settlement of disputes.*
15. *On reference, barrister may inspect books and administer oath to witnesses.*
16. *Bonds given under 9 Geo. 4. c. 92. and 8 & 4 Will. 4. c. 14. to be sent to Commissioners for Reduction of National Debt.—When bonds may be delivered up to be cancelled.*
17. *Treasurer and other officers intrusted with receipt or custody of money, &c. to give security.—Security to be given by bond to Comptroller General.—Trustees may sue upon bond.—Bond not liable to stamp duty.*
18. *Repeal of part of 9 Geo. 4. c. 92. as to deposit of rules with clerk of the peace.*
19. *Two written or printed copies of rules, &c. to be submitted to barrister for his certificate.—Barrister to return one copy to institution, and transmit the other copy to Commissioners.*
20. *Adaptation of provisions of this Act to the law of Scotland.*
21. *Provisions of this Act to apply to purchasers of annuities.*
22. *Extent of Act.*
23. *Act may be amended, &c. this session.*

By this Act,

After reciting that it is expedient to amend the laws relating to savings banks, and to make other provisions respecting savings banks, and the purchase of government annuities through the medium of savings banks: and the passing of 9 Geo. 4. c. 92. and 8 & 4 Will. 4. c. 14,—

It is Enacted,

I. That on the 20th of November 1844 the interest payable on the receipts issued to the trustees of savings banks by the Commissioners for the Reduction of the National Debt shall cease, and that from and after the said 20th of November all receipts issued prior to that day shall carry interest at the rate of 3l. 5s. per cent. per annum; and that from and after the said 20th of November, upon the payment of any sum or sums of money into the Banks of England or Ireland, to the account of the said Commissioners, by the trustees of any savings banks, it shall be lawful for the officer or officers of the said Commissioners in that behalf, and he and they is and are hereby authorized and empowered, to issue, upon every such payment being made, a receipt signed by one of the cashiers of the Governor and Company of the Banks of England or Ireland respectively, for the amount of such payment, carrying interest at the rate of 3l. 5s. per cent. per annum from the day of such payment inclusive, payable, with the principal, at the Banks of England or Ireland respectively, whenever the same shall be required or drawn for in manner directed by the said recited Act; and such receipt shall be dated on the day on which the payment of any such sum or sums of money shall be made respectively; and every such receipt shall be in such form as shall be from time to time directed by the said Commissioners; and the principal and interest of all sums mentioned in any receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of, all or any monies standing in any account in the names of the said Commissioners, or out of any monies produced by the sale of any stock or annuities, funds, or Exchequer bills standing in their names in the books of the Banks of England or Ireland respectively, as the said Commissioners shall from time to time direct: Provided always, that no fractional part less than 1d. shall be allowed or paid as interest upon the principal sum contained in any receipt issued under the provisions of this Act.

II. That from and after the 20th of November 1844 the interest payable to the depositors by the trustees or managers of any savings banks shall not exceed the rate of 3l. 0s. 10d. per cent. per annum.

III. That from and after the 20th of November 1844 it shall not be lawful to receive from any depositor his or her first deposit in any savings bank without requiring him or her to sign the declaration required by the said recited Act, and in the manner therein mentioned, a copy of which declaration, with the penalty attached thereto if false, shall also be annexed to or printed at the beginning of the deposit book.

IV. That if any actuary, cashier, secretary, officer, or other person holding any situation or appointment in any savings bank, shall receive any sum or sums of money from or on account of any depositor or person desirous of becoming such, or on account of such institution, and shall not, at the next day on which the said institution is opened for the receipt of deposits, or in the case of local receivers acting on behalf of any savings bank shall not within the time specified in the rules of the said institution, account for and pay over the same to the trustees or managers thereof, or to such person as may be directed by the rules of the institution, such actuary, cashier, secretary, officer, or local receiver, or other person as aforesaid, on being convicted thereof, shall be guilty of a misdemeanour.

V. That provision shall be made in the rules of every savings bank that every depositor therein shall, once in every year at least, cause his deposit book to be produced at the office of the said institution for the purpose of being examined.

VI. That no trustee or manager of any savings bank shall be liable to make good any deficiency which may hereafter arise in the funds of any savings bank, unless such persons shall have respectively declared, by writing under their hands and deposited with the Commissioners for the Reduction of the National Debt, that they are willing so to be answerable; and it shall be lawful for each of such persons, or for such persons collectively, to limit his or their responsibility to such sum as shall be specified in any such instrument: Provided always, that the trustee and manager of any such institution shall be and is hereby declared to be personally responsible and liable for all monies actually received by him on account of or to and for the use of such institution, and not paid over or disposed of in the manner directed by the rules of the said institution; and an abstract of the above provisions shall be enrolled as one of the rules of the institution.

VII. That from and after the 20th of November 1844, when deposits shall be made by a trustee on behalf of another, the

sum shall be invested in the name of such trustee and the name of the person on whose account such sum shall be so deposited; and repayment of the same or any part thereof shall not be made by the trustees or managers of any savings bank without the receipt and receipts of the said trustee and the person on whose account such deposit may have been made, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt and receipts, either in person or by agent appointed by power of attorney, which power of attorney shall be valid if executed by an infant of or exceeding the age of fourteen years, shall alone be a good and valid discharge to the said trustees and managers, except in case of the insanity or imbecility of the party on whose behalf the deposit has been made, upon proof of which to the satisfaction of the said trustees or managers repayment may be made to the said trustee; and an abstract of the above provisions shall be enrolled as one of the rules of the institution: Provided always, that nothing herein contained shall extend or be construed to extend to interfere with any trust accounts opened before the passing of this Act.

VIII. That from and after the 20th of November 1844, so much of the Act, 3 & 4 Will. 4. c. 14, intituled 'An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the medium of Savings Banks, and to amend an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks,' as provides that no annuity or annuities sold or granted to or possessed by any one individual shall exceed in the whole the sum of 20*l.* nor less than 4*l.* per annum, shall be and the same is hereby repealed; and from and after the 20th of November 1844, no annuity or annuities sold or granted to or possessed by any one individual under the said recited Act or this Act shall exceed in the whole the sum of 30*l.* nor less than 4*l.* per annum: Provided also, that nothing in this or the said recited Act contained shall prevent such annuity being sold or granted to or possessed by any married man or woman, although an annuity to the same amount or a less amount may have been sold or granted to or possessed by the wife or husband of such party.

IX. That instead of the sums allowed to be charged at the time of purchasing an annuity under this or the said recited Act and the yearly sum payable during the continuance of the said annuity, the said trustees or managers may at the time of purchasing such annuity charge any sum not exceeding the following; (that is to say), for every annuity under 5*l.* the sum of 5*s.*; 5*l.* and under 10*l.*, the sum of 10*s.*; 10*l.* and under 15*l.*, the sum of 15*s.*; 15*l.* and under 20*l.*, the sum of 1*l.*; 20*l.* and under 25*l.*, the sum of 1*l.* 5*s.*; 25*l.* and not exceeding 30*l.*, the sum of 1*l.* 10*s.*

X. That in case any depositor in any savings bank shall die, leaving any sum of money in the said institution belonging to him or her at the time of his or her death, not exceeding in the whole the sum of 50*l.*, exclusive of interest, and probate of the will of the deceased depositor, or letters of administration of his or her estate and effects, is not produced to the trustees or managers of the said institution, or if notice in writing of the existence of a will and intention to prove the same or to take out letters of administration is not given to the said trustees or managers within the period of one month from the death of the said depositor, and in the latter case unless such will is proved or letters of administration taken out within the period of two months from the death of the said depositor, it shall be lawful for the said trustees or managers to pay and divide the same to or amongst any person or persons who shall appear to such trustees or managers to be the widow, or entitled to the effects of such deceased depositor, according to the Statute of Distribution, or according to the rules of the institution, and the payment of any such sum of money shall be valid and effectual with respect to any demand of any other person or persons as next-of-kin of such deceased depositor, or as the lawful representative of such depositor, against the funds of such savings bank, or against the trustees and managers thereof; but nevertheless such next-of-kin or representative shall have remedy for recovery of such money so paid as aforesaid against the person or persons who shall have received the same.

XI. That if any depositor, being illegitimate, shall die intestate, leaving any person or persons who but for the illegitimacy of such depositor and of such person or persons would be entitled to the money due to such deceased depositor, it shall be lawful for the trustees or managers, with the authority in writing of the barrister appointed to certify the rules of savings banks, to pay the money due to such deceased depositor to any one or more of the persons as in their opinion would have been entitled to the same, according to the Statute of Distributions, if the said depositor and such person or persons had been legitimate.

And after reciting that deposits in savings banks may have been made and may be made by married women, and deposits may have been made and may be made by women who may have afterwards married;—

It is Enacted,

XII. That it shall be lawful for the trustees or managers of any savings bank to pay any sum of money in respect of any such deposit to any such woman, unless the husband of such woman shall give to such trustees or managers notice in writing of such marriage, and shall require payment to be made to him.

XIII. That the time for making out and issuing the half-yearly receipts for interest to the several savings banks and friendly societies shall be extended to sixty days from and after the 20th of May and 20th of November respectively in each year, and the time for transmitting the annual statement mentioned in the said recited Act shall be extended to nine weeks next after the 20th of November in each year.

XIV. That if any dispute shall arise between the trustees and managers of any savings bank and any individual depositor therein, or any executor, administrator, next-of-kin, or creditor, or assignee of depositor, who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next-of-kin, creditor, or assignee, or to be entitled to any money deposited in such savings bank, then and in every such case the matter in dispute shall be referred in writing to the barrister-at-law appointed under the said recited Acts, who shall have power to proceed *ex parte* on notice in writing to the said trustees or managers left or sent by the said barrister to the office of the said institution; and whatever award, order, or determination shall be made by the said barrister shall be binding and conclusive on all parties, and shall be final to all intents and purposes without any appeal; and no submission to, or award, order, or determination of the said barrister shall be subject or liable to or charged with any stamp duty whatever.

xv. That on any such reference it shall be lawful for the said barrister and he is hereby authorized to inspect any book or books belonging to the said institution relating to the matter in dispute, and to administer an oath to any witness appearing before him, or to take the affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

xvi. That within one month from the passing of this Act the clerk of the peace or town clerk with whom any bond given as security, pursuant to the provisions of either of the said recited Acts, shall have been deposited shall transmit the same to the Commissioners for the reduction of the National Debt, to be and remain in their custody; and it shall be lawful for the said Commissioners, on any application and receipt signed by not less than two trustees and three managers, in such form as the said Commissioners shall direct, to deliver up to the trustees of the institution any bond or bonds which may have been or shall hereafter be given by way of security on behalf of such institution, for the purpose of being cancelled.

xvii. That every treasurer, actuary, or cashier who shall be intrusted with the receipt or custody of any sum of money subscribed or deposited for the purpose of such institution, or any interest or dividend from time to time accruing therefrom, and every officer or other person receiving any salary or allowance for their services from the funds of any savings bank or government annuity society (unless he shall have already given good and sufficient security), shall give good and sufficient security, to be approved of by not less than two trustees and three managers of such savings bank or government annuity society, for the just and faithful execution of such office or trust; and such security when given by an actuary or cashier, or officer or person receiving any salary or allowance for his services as aforesaid, shall be given by bond or bonds with one or more sureties to the comptroller general of the National Debt Office for the time being, without fee or reward; and in case of forfeiture it shall be lawful for the trustees or managers for the time being of such institution to sue upon such bond or bonds in the name of such comptroller general for the time being, and to carry on such suit at the costs and charges and for the use of the said institution, fully indemnifying and saving harmless such comptroller general from all costs and charges in respect of such suit; and no bond to be so given shall be subject to or charged or chargeable with any stamp duty whatever; and such bond shall, when executed, be deposited with the Commissioners for the reduction of the National Debt.

xviii. That so much of the said recited Act as requires that the transcript of the rules of a savings bank or government annuity society shall be deposited with or filed by the clerk of the peace, and a certificate thereof returned to the institution, and that such transcript shall be laid before the Justices at sessions, shall be and the same is hereby repealed.

xix. That two written or printed copies of all rules or alterations of rules made in pursuance of the said recited Acts or this Act, signed by two trustees, with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted to the barrister-at-law appointed under the provisions of the said recited Act, for the purpose of ascertaining whether the said rules or alterations, or amendments thereof, are in conformity to law, and with the provisions of the said Acts relating to savings banks or government annuity society; and that the said barrister shall give a certificate on each of the said written or printed copies that the same are in conformity to law and the provisions of the said last-mentioned Acts, or point out in what part or parts the said rules, alterations, or amendments, are repugnant thereto; and that the barrister for perusing the rules or alterations or amendments of the rules of such respective savings bank or government annuity society, and giving such certificate as aforesaid, shall demand no further fee than specified in the said recited Act; and one of such written or printed copies, when certified by the said barrister, shall be returned to the trustees of the said institution, and the other of such transcripts or printed copies shall be transmitted by such barrister to the Commissioners for the reduction of the National Debt; and that all rules, alterations, and amendments, thereof, from the time when the same shall have been certified by the said barrister, shall be binding on the trustees, managers, and officers of the said institution, and the depositors therein and their representatives; and the copy of such rules deposited with the said Commissioners, or a true copy thereof, examined with the original and proved to be a true copy, shall be received as evidence of such rules respectively in all cases, and no certiorari shall be brought or allowed to remove any such rules into any of Her Majesty's courts of record.

xx. That where this Act provides for payments made or to be made to any of the relations of any deceased intestate depositor according to the Statute of Distribution, the provisions thereof shall be held to apply to payments made or to be made to persons appearing to be next-of-kin according to the law of Scotland; and that where this Act refers to probate of the will of the deceased, or letters of administration of his or her estate and effects, the said provisions shall be held to apply to confirmation by the law of Scotland.

xxi. That all the provisions of this Act, in as far as the same can or may be applicable, shall apply to the trustees and managers of any government annuity society, and to the parties purchasing annuities, and to the rules and regulations to be made for carrying the same into effect.

xxii. That this Act shall extend to Great Britain and Ireland, Berwick-upon-Tweed, and the islands of Guernsey, Jersey, and Isle of Man.

xxiii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXXIV.

AN ACT for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood.

(9th August 1844.

ABSTRACT OF THE ENACTMENTS.

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| General Provisions. | 1. | Extension of limits, and amendment of law.—Improvement of drainage.—Securing a sufficient width of streets, &c.—Improper use of buildings.—Regulation of explosive works.—Regulation of deleterious works.—Execution of Act and superintendence thereof.—Operation of Act.—Statutes repealed. |
| | 2. | Construction of terms.—Street.—Alley.—Square.—Floor.—Story.—External wall.—Party wall.—Already built.—Hereafter to be built.—Parish.—Owner.—Official referees.—Surveyor.—The surveyor.—Month.—The Commissioners of Works and Buildings.—Justice of Peace.—Local officers.—Singular and plural.—Masculine and feminine.—Corporate body. |
| | 3. | Extent of operation of Act in reference to localities. |
| | 4. | Power to extend the limits of Act.—Publication of notice of intention to extend limits of Act. |
| | 5. | Regulation of buildings.—Rates of buildings, and thicknesses of walls and footings, and rules concerning buildings. |
| Buildings, New and old. | 6. | Buildings under supervision of official referees. |
| | 7. | Special supervision of exempted buildings. |
| | 8. | Buildings not within rates. |
| | 9. | Modification of building contracts.—Reference to the surveyor, or on appeal to the official referees. |
| Builders. | 10. | Modification of building leases.—Application to official referees.—Proceedings thereon. |
| | 11. | Commissioners of Works and Buildings empowered to modify rules generally.—Report of official referees.—Extent of modification.—Representation by parties.—Order thereupon. |
| | 12. | Power to modify provisions of this Act as to existing buildings to be rebuilt. |
| | 13. | Works to be executed.—Notice to surveyors.—20l. penalty for neglect to give notice, &c.—20l. penalty for not giving fresh notices.—Penalty for beginning without notice;—or refusal to admit surveyor.—Emergency |
| Buildings generally. | 14. | Supervision of works.—Notice of irregularities to builders and others.—To cut into works.—Amendment of works.—Proceeding thereon by official referees.—Costs. |
| | 15. | Special supervision of first rate buildings of second class and of buildings of third class.—Notice to official referees.—Survey.—Approval.—Disapproval.—Amendment of defects.—Notice of completion.—New survey.—Certificate.—Prohibition of use.—Penalty.—Justices to consider circumstances. |
| | 16. | Special supervision of buildings in Schedule (B.) Part I.—Survey by official referees.—Occasional inspection.—Notice of deficiencies.—Amendment of defects.—Approval by official referees.—Notice of completion.—New survey.—Certificate.—Prohibition of use.—Penalty.—Justices to consider circumstances. |
| | 17. | Entry on premises.—Refusal to permit inspection.—Forcible entry. |
| Adjoining Properties. | 18. | All buildings not according to this Act declared a nuisance.—Summons before Justices.—Compulsory appearance.—Recognizances to pull down and amend.—Imprisonment.—Removal of buildings declared nuisances.—Expenses. |
| | 19. | 50s. penalty on workmen offending.—Imprisonment. |
| | 20. | Execution of works. |
| | 21. | Consent of or notice to adjoining owner. |
| Party walls. Party fences. Intermixed Buildings. | 22. | Modification of work to suit adjoining owner.—Modification of operations.—Application to official referees.—Authority to build. |
| | 23. | Delay of work to suit adjoining owner.—Delay of operations.—Application to official referees.—Authority to build. |
| | 24. | Supplying want of consent of adjoining owners.—Notice of inspection by surveyor.—Notice to parties.—Confirmation by official referees.—Proceedings on appeal against certificate.—Notice by official referees.—Survey.—Award.—Works authorised. |
| | 25. | Preparation and rebuilding at joint expense. |
| | 26. | Rebuilding of party walls. |
| | 27. | Rebuilding a party wall.—Building of an external wall against a party wall. |
| | 28. | Damage arising from erection of external wall against a party wall.—Cutting into footings and chimneys. |
| | 29. | Making good such damage.—Survey.—Damage from carelessness.—Rebuilding. |
| | 30. | Rebuilding of sound party walls.—Reference to official referees. |
| | 31. | Raising of future buildings.—Existing buildings.—Chimneys of adjoining buildings.—Use of raised buildings. |
| | 32. | Repairing and rebuilding of party fence walls.—Deficient party fence wall.—Reimbursement of expense of operations.—Limitation of height of screen walls. |
| | 33. | Pulling down party timber partitions. |
| | 34. | Pulling down intermixed buildings. |
| | 35. | Inns of court, chambers, &c. |
| | 36. | Power of entry on premises to effect works.—Opening doors and removal of goods, &c.—Continuance of entry.—Penalty for hindrance. |

- Party walls.** { 37. Stopping of openings in external walls abutting on other premises.—Stoppage thereof.—Costs of stopping up.—Certificate of official referees.—Recovery of costs.
- Party fences.** { 38. Building of party walls next vacant ground.—Consent of adjoining owner.
- Intermixed Buildings.** { 39. Building of chimney breasts, &c. in new party wall for adjoining owner.—Instructions by adjoining owner.—Reimbursement of expenses.
40. Repairing and rebuilding.—Application to official referees.—Survey.—Notice to Lord Mayor, &c. and to overseers.—Shoring and erection of hoards, and notice to parties.—Repairs.—Appeal against survey.—Demolition.
41. Disposal of materials to pay costs.—Payment of surplus on demand.—If no demand.—City of London or overseers to refund within six years.
- Ruinous Buildings.** { 42. If a deficiency, to be paid by the owner;—or levied by warrant of distress;—or occupier to pay and deduct from rent;—or by distress on occupier.—Payment of money to chamberlain or to the overseers.
43. Repair of ruinous chimneys, &c.—Notice.—Repairs.—Certification of expenses.—Recovery from owner or occupier.—Penalty.—Fees and expenses.—Reimbursement of occupier.
44. Injury by the fall of chimneys, &c.—Compensation.
45. Court of mayor and aldermen.
46. Repayment of expenses of works in certain cases.—Recovery of expense from adjoining owners.—Delay of payment.
47. Recovery of costs of building.—Account.—Data of account.—Examination of accounts by official referees.—Disapproval.—Approval, and demand of payment.—Recovery of amount.
- Expenses of Works.** { 48. Reimbursements of costs of works to occupiers.—Discharge and repayment.
49. Recovery of expenses of buildings.—Differences.—Determination by official referees.—Charges.—Receipt of rents.—Recovery of rents.—Priority of right.—Limitation of distress.—Continuance of distress until payment made.
50. Official referees to determine contributions.—Proportional contributions.—Decision of official referees.—Recovery of excess paid by any contributor.
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By this Act,

After reciting that by the several Acts mentioned in Schedule (A.) to this Act annexed provisions are made for regulating the construction of buildings in the metropolis, and the neighbourhood thereof, within certain limits therein set forth; but forasmuch as buildings have since been extended in nearly continuous lines or streets far beyond such limits, so that they do not now include all the places to which the provisions of such Acts, according to the purposes thereof, ought to apply, and moreover such provisions require alteration and amendment, it is expedient to extend such limits, and otherwise to amend such Acts: And forasmuch as in many parts of the metropolis and the neighbourhood thereof the drainage of the houses is so imperfect as to endanger the health of the inhabitants, it is expedient to make provision for facilitating and promoting the improvement of such drainage: And forasmuch as by reason of the narrowness of streets, lanes, and alleys, and the want of a thoroughfare in many places, the due ventilation of crowded neighbourhoods is often impeded, and the health of the inhabitants thereby endangered, and from the close contiguity of the opposite houses the risk of accident by fire is extended, it is expedient to make provision with regard to the streets and other ways of the metropolis for securing a sufficient width thereof: And forasmuch as many buildings and parts of buildings unfit for dwellings are used for that purpose, whereby disease is engendered, fostered, and propagated, it is expedient to discourage and prohibit such use thereof: And forasmuch as by the carrying on in populous neighbourhoods of certain works, in which materials of an explosive or inflammable kind are used, the risk of accidents arising from such works is much increased, it is expedient to regulate not only the construction of the buildings in which such dangerous works are carried on, but also to provide for the same being carried on in buildings at safe

distances from other buildings which are used either for habitation or for trade in populous neighbourhoods: And forasmuch as by the carrying on of certain works of a noisome kind, or in which deleterious materials are used, or deleterious products are created, the health and comfort of the inhabitants are extensively impaired and endangered, it is expedient to make provision for the adoption of all such expedients as either have been or shall be devised for carrying on such businesses, so as to render them as little noisome or deleterious as possible to the inhabitants of the neighbourhood; and if there be no such expedients, or if such expedients be not available in a sufficient degree, then for the carrying on of such noisome and unwholesome businesses at safer distances from other buildings used for habitation: And forasmuch as great diversity of practice has obtained among the officers appointed in pursuance of the said Acts to superintend the execution thereof in the several districts to which such Acts apply, and the means at present provided for determining the numerous matters in question which constantly arise tend to promote such diversity, to increase the expense, and to retard the operations of persons engaged in building, it is expedient to make further provision for regulating the office of surveyor of such several districts, and to provide for the appointment of officers to superintend the execution of this Act throughout all the districts to which it is to apply, and also to determine sundry matters in question incident thereto, as well as to exercise in certain cases, and under certain checks and controul, a discretion in the relaxation of the fixed rules, where the strict observance thereof is impracticable, or would defeat the object of this Act, or would needlessly affect with injury the course and operation of this branch of business: Now for all the several purposes above mentioned, and for the purpose of consolidating the provisions of the law relating to the construction and the use of buildings in the metropolis and its neighbourhood,—

It is Enacted,

I. That with regard to this Act generally, so far as relates to the operation thereof in reference to time, it shall come into operation at the following times; (that is to say,) as to the districts and the officers to be appointed in pursuance hereof on the 1st of September next, and as to the buildings, streets, and other matters on the 1st of January 1845; and that on the said 1st of January all the Acts mentioned in the Schedule hereunto annexed, except so far as in the said Schedule is provided, shall be and are hereby repealed.

II. And it is declared, with regard to this Act generally, so far as relates to the construction of certain terms and expressions used therein, that the following terms and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context, or by the nature of the subject matter; (that is to say,)

The word "Street" to include every square, circus, crescent, street, road, place, row, mews, lane, or place along which carriages can pass or are intended to pass, and that whether there be or be not, in addition to the carriageway, a footway, paved or otherwise:

The word "Alley" to include any court, alley, passage, or other public place which can be used as a footway only:

The word "Square," as applied to any area of building, to contain 100 superficial feet:

The word "Floor" to mean the horizontal platform forming the base of any story, and to include the timber or bricks or any other substance constituting such platform:

The word "Story" to include the full thickness of such floor, as well as the space between the upper surface of one floor and the under surface of the floor next above it; or if there be no floor then the space between the surface of the ground and the under surface of the floor next above it:

The term "external Wall" to apply to every outer wall of buildings now built or hereafter to be built, which (excepting the footing thereof on one side) shall stand wholly upon ground of the owner of such buildings, and shall not be used or intended to be used as a party wall under the definition hereinafter contained, whether the same shall adjoin or not to other outer or to party walls:

The term "Party Wall" to apply to every wall which shall be used, or be built in order to be used, as a separation of two or more buildings with a view to the occupation thereof by different families, or which shall be actually occupied by different families, and also every wall which shall stand upon ground not wholly belonging to the same owner to a greater extent than the projection of its footing on one side:

The term "already built," used in reference to buildings, to apply to buildings built before the 1st of January 1845, or commenced before that day, and covered in and rendered fit for use within twelve months thereafter; and, used in reference to streets and alleys, to apply to all streets or alleys made or laid out before that day, and which shall be formed and rendered fit for use within twelve months thereafter;

The term "hereafter to be built," used in reference to buildings, to apply to all buildings to be built or commenced after the 1st of January 1845, or which, being commenced, shall not be covered in within twelve months thereafter; and, used in reference to streets and alleys, to apply to all streets or alleys not laid out before the said 1st of January, or which, being laid out, shall not be rendered fit for use within twelve months thereafter:

The word "Parish" to include all parochial districts and extra-parochial places in which separate churchwardens, overseers, or constables are appointed; and where two parishes have been united for ecclesiastical purposes, then to include such united parishes:

The word "Owner" to apply generally to every person in possession or receipt either of the whole or of any part of the rents or profits of any ground or tenement, or in the occupation of such ground or tenement, other than as a tenant from year to year, or for any less term, or a tenant at will:

The term "Official Referees" to mean the persons appointed in pursuance of this Act, to be official referees of metropolitan buildings:

The word "Surveyor" to apply to all surveyors to be appointed in pursuance of this Act, or whose appointment is confirmed by this Act, and also to all deputy or assistant surveyors to be appointed under this Act:

The Words "the Surveyor," used without any addition, to mean the surveyor in whose district the buildings, street or alley, or other subject matter shall be, or any deputy or assistant surveyor duly acting in his behalf:

The word "Month" to mean a calendar month:

The expression "The Commissioners of Works and Buildings" to mean the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings :

The expression "Justice of the Peace" to mean a Justice of the Peace for the county, division, or liberty within which the building or other subject matter, or any part thereof, is situate; unless it be situate within the city of London or the liberties thereof, in reference to which any matter or thing elsewhere required or authorized to be done, either by one or by two or more Justices of the Peace, may be done, either by the Lord Mayor of the city of London, or by any one, two, or more Justices of the Peace for the said city; or unless the subject matter be situate in the district of any police court of the metropolis, in reference to which any matter or thing elsewhere required or authorized to be done by two or more Justices may be done by one magistrate :

And, generally, whensoever the name of an officer having local jurisdiction in respect of his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the officer having jurisdiction in that place within which is situate the building or other subject matter, or any part thereof, to which such reference applies :

And, subject as aforesaid to the context and to the nature of the subject matter, words importing the singular number are to be understood to apply to a plurality of persons or things, and words importing the masculine gender are to be understood to apply to persons of the feminine gender, and words importing an individual are to be understood to apply to a corporation or company, or other body of persons.

III. With regard to this Act generally, so far as relates to the operation thereof in reference to localities, that the operation of this Act shall extend to all places within the following limits; (that is to say,)

To all such places lying on the north side or left bank of the River Thames as are within the exterior boundaries of the parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell :

And to such part of the parish of Chelsea as lies north of the said parish of Kensington :

And to all such parts and places lying on the south side or right bank of the said river as are within the exterior boundaries of the parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, and Wandsworth :

And to all places lying within two hundred yards from the exterior boundary of the district hereby defined, except the eastern part of the said boundary which is bounded by the River Lea.

IV. And forasmuch as, partly by the rapid increase of population in the neighbourhood of the districts to which this Act is to apply, and partly by the tendency of this Act to induce building speculation in such neighbourhoods in order to evade the provisions thereof, the evils which have arisen in the districts not now subject to regulation will in all probability arise in such neighbourhoods, it is expedient to make provision for the prevention of such evils, and, if they should arise, for the remedy thereof; now for those purposes it is enacted, with regard to this Act generally, so far as relates to the application thereof to other parts and places in the neighbourhood of the districts appointed by this Act, whether such districts immediately adjoin such parts or places or not, That if, from the growing increase of the population or otherwise, it shall appear to Her Majesty in council to be expedient that the provisions of this Act should be extended to any place within twelve miles from Charing Cross in the city of Westminster, then it shall be lawful for Her Majesty in Council to direct, by order in council, that at or from a time to be named in such order the provisions of this Act shall apply to such places; and at or from such time all such provisions, of whatever nature, whether penal or otherwise, so far as they shall be capable of application to such places, shall be and are hereby declared to apply thereto as if such places were expressly named herein; and that notice of the time when it shall please Her Majesty to order any such extension to be taken into consideration by her Privy Council shall be published by royal proclamation in the *London Gazette* one month at the least before such extension shall be so taken into consideration, and that three weeks at the least before such matter shall be so considered it shall be the duty of the official referees, and the overseers of the parishes within which such parts or places are situate, to cause copies of such proclamation to be fixed on the doors of the churches and chapels within such parishes; and that every order in council made in pursuance of this enactment shall be published in the *London Gazette*.

V. And now generally, for the purpose of regulating the building and the rebuilding upon sites of former buildings, and the enlarging and altering of all buildings of what nature soever, within the limits aforesaid, it is enacted, with regard to every such building hereafter to be built, (except the buildings comprised in Schedule (B.) hereto annexed, and except sewers made by or under the direction of any of Commissioners of Sewers,) so far as relates to building the same, and with regard to every such building either already or hereafter built, (except the said buildings comprised in the said Schedule (B.), and except the said sewers,) so far as relates to the rebuilding and the enlarging or altering the same, and that whether such buildings be built or rebuilt on old or new foundations, or partly on old and partly on new foundations, That, notwithstanding anything contained to the contrary in any Act of Parliament now in force, every such building shall be built, rebuilt, enlarged, or altered in reference to the walls, whether external or party walls, and to the number and height of the stories or rooms therein, and to the chimneys, and to the roofs, and to the timbers, and to the drains, and to the projections, and to any other parts or appendages of every such building, in the manner and of the materials, and in every other respect in conformity with the several particulars, rules, and directions which are specified and set forth in the several Schedules (C.), (D.), (E.), (F.), (G.), (H.), (I.), (K.) to this Act annexed, according to the classes of buildings, and the rates of such classes to which such buildings are by the Schedule (C.) declared to belong; subject nevertheless to any other rules and directions in this Act contained in the same behalf; and subject in every case of doubt, difference, or dissatisfaction in respect thereof, either between any parties concerned or between any party concerned and the surveyor of the district, to the determination of the official referees, upon a reference of the matter in question, according to the provisions of this Act in that behalf.

VI. With regard to all buildings of the first rate of the second or warehouse class, and to all buildings of the third or public building class (except the buildings hereinbefore excepted), so far as relates to the supervision thereof, That, subject

to the provisions in Schedule (C.) and elsewhere in this Act made in respect thereof, every such building shall be built under the special supervision of the official referees, according to the provisions of this Act in that behalf, as well as under the ordinary supervision of the surveyor; and if any difference arise as to whether any such building be liable to such special supervision, the same shall be determined by the official referees; subject nevertheless to an appeal, at the instance of any party interested, to the Commissioners of Works and Buildings, whose decision in the matter shall be final.

VII. And after reciting that by several Acts now in force certain buildings and structures have been exempted from the operation of the Act mentioned in the Schedule (A.) hereto annexed, for the regulation of buildings and party walls within the cities of London and Westminster, and the liberties thereof, and other the parishes and places therein mentioned; it is enacted, with regard to the buildings hereinbefore exempted and comprised in Schedule (B.), so far as relates to the supervision thereof, That, notwithstanding anything contained to the contrary in any Act or Acts now in force, every such building or other structure mentioned in the said Schedule (B.) Part I. shall be subject to special supervision by the official referees, according to the provisions of this Act in that behalf, and every such building or other structure mentioned in the said Schedule (B.) Part II. shall be exempt from supervision.

VIII. Provided and enacted, with regard to any building of whatever kind which is not hereby expressly assigned to any class or rate of a class, so far as relates to the application of this Act thereto, That if any party be desirous of erecting any building which does not come within any one of the said classes, or of any rate of such classes, then such building shall be built in accordance with such class and rate as shall be directed by the surveyor, subject, as in other cases of doubt, difference, or dissatisfaction, to an appeal to the official referees.

IX. Provided and enacted, with regard to any building of whatever class, so far as relates to the modification of any written contract or agreement now in force for erecting or altering such building (other than a contract or agreement in the nature of a building lease,) That it shall not be lawful to execute such contract otherwise than in conformity with the provisions of this Act; but it shall be lawful for either party and he is hereby entitled to deviate from such contract so far as any part thereof may remain to be executed after this Act shall have come into operation; and the alterations rendered necessary by this Act shall be performed as if this Act had been in force when such contract was entered into; and that if the parties thereto shall disagree about the difference of the costs and expenses of the works when performed according to the provisions of this Act, and the works as stipulated for in such contract, then, upon notice being given in writing by one party to the other, it shall be lawful for either party and he is hereby entitled to refer the matter to the surveyor, who shall determine the same, subject to appeal as aforesaid to the official referees; and the award of such official referees shall be final and binding on all the parties, and in all respects as if such award had formed part of the contract; and the costs of the reference shall be borne by all or any either of the parties in such manner and proportion as the surveyor, or in case of appeal as the official referees, shall appoint.

X. Provided and enacted, with regard to any building, of whatever class, so far as relates to the modification of any existing lease or agreement for a lease, being of the nature of a building lease, whereby any person may be bound to erect buildings, That, notwithstanding anything herein contained, if it be made to appear to the official referees that any rules by this Act prescribed will prevent the due observance of or be at variance with any such lease or agreement, and that the objects of this Act may be obtained by modifying such rules, either entirely or partially, in conformity with such lease or agreement, then it shall be lawful for the said official referees by their award to authorize such modification, subject, nevertheless, to the approbation of the Commissioners of Works and Buildings; and, subject to such modification, or in default thereof, it shall be the duty of such person so bound to erect buildings and he is hereby required to erect every building agreed to be built by such lease or agreement according to the conditions rendered necessary by this Act, in the same or like manner as if this Act had been passed and in operation at the time of making such lease or agreement; and that on the completion of such works, either according to the provisions of this Act or according to such modification aforesaid, and on giving to the lessor and other owners of such building fourteen days notice of his intention to apply to the official referees on this behalf, it shall be lawful for the lessee or tenant and he is hereby entitled to require the official referees to ascertain what loss, present and prospective, has been occasioned by the observance of the provisions of this Act, and, having regard to the respective terms and interests of the lessee or tenant, the lessor, and other owners of such building, and having regard to any profit, benefit, or advantage which may have accrued to such lessee or tenant since the execution of such lease or agreement, and which may appear to the said official referees not to have been in the contemplation of the parties to such lease or agreement at the time of such execution thereof as aforesaid, to determine whether he is entitled to any and what compensation, whether by payment of money or reduction of rent, or both, or otherwise; and that on the receipt of such requisition, and on proof of due notice thereof having been given to the lessor and other owners of such building, it shall be the duty of such official referees and they are hereby required to proceed to ascertain if any and what loss has been so occasioned, and, having regard as aforesaid to such terms and interest as aforesaid, and to such profit, benefit, or advantage as aforesaid, to determine if any and what compensation as aforesaid is to be paid in respect thereof, and by whom the same is to be paid, and in what proportions, and their decision in the matter shall be final.

XI. And for the purpose of preventing the express provisions of this Act from hindering the adoption of improvements, and of providing for the adoption of expedients either better or equally well adapted to accomplish the purposes thereof, it is enacted, with regard to every building of whatever class, so far as relates to the modification of any rules hereby prescribed, That if in the opinion of the official referees the rules by this Act imposed shall be inapplicable, or will defeat the objects of this Act, and that by the adoption of any modification of such rules such objects will be attained either better or as effectually, it shall be the duty of such official referees to report their opinion thereon, stating the grounds of such their opinion to the Commissioners of Works and Buildings; and that if on the investigation thereof it shall appear to the said Commissioners that such opinion is well founded, then it shall be lawful for the said Commissioners or any two of them to direct that such modification may be made in such rules as will in their opinion give effect to the purposes of this Act; and that although such official referees shall be of opinion that such modifications are not requisite or admissible, yet if any party interested

present to the official referees a representation, setting forth the grounds whereon such modification is claimed, it shall be the duty of the official referees and they are hereby required to report such representation, as well as their opinion thereon, to the said Commissioners, with the grounds of such their report and opinion; and that thereupon, if the said Commissioners think fit, it shall be lawful for them or any two of them to direct the official referees to make such order in the matter as may appear to them to be requisite.

XII. With regard to buildings already built, so far as relates to the rebuilding thereof in conformity with this Act in respect of the required area, or in any other respect than the required height and thickness of walls. That if a full compliance with the provisions of this Act be attended by great loss and inconvenience, then, subject to the report of the official referees, and to the consent of the Commissioners of Works and Buildings, and to such terms as the said Commissioners may impose in that behalf, it shall be lawful for the parties concerned to rebuild such buildings on the site of the old buildings as near as may be practicable, but so that nevertheless both the party walls and the external walls be of the required height and thickness.

XIII. With regard to the works to be executed in pursuance of this Act, so far as relates to the supervision thereof by the surveyors, that two days before the following acts or events, that is to say,—

Before any building shall be begun to be built; and also

Before any addition or alteration, which by this Act is placed under the supervision of the surveyor, shall be made to any building; and also

Before any party wall, external wall, chimney stack, or flues shall be begun to be built, pulled down, rebuilt, cut into, or altered; and also

Before any opening shall be made in any party wall; and also

Before any other matter or thing shall be done which by this Act is placed under the supervision of the surveyor, except as hereinafter is provided;

It shall be the duty of the builder (by which term is to be understood, both in this provision and elsewhere throughout this Act, the master builder or other person employed to execute any work, or if there be no master builder or other person so employed, then the owner of the building or other person for whom or by whose order such work is to be done,) and he is hereby required to give to the surveyor, at his office, notice in the terms specified in the Form (No. 1.) contained in the Schedule of Notices annexed to this Act, or to the like effect; and that if any builder neglect to give such notice, or begin to build, or do any of the things aforesaid, before such notice, or before the expiration of such period of two days, then in every such case the party offending shall for every such default forfeit and pay to such surveyor treble the amount of the fees which such surveyor would have been entitled to receive for his trouble in inspecting the same, and shall also forfeit for every such default a sum not exceeding 20*l*.; and that if for any period exceeding three months any builder, having duly begun any building requiring compliance with the provisions of this Act, suspend the progress of such building, and again go on with the same, or if during the progress thereof the builder be changed, then, two days before such builder shall enter upon the performance of the work, it shall be the duty of such builder to give notice to the surveyor, and such notices must be in the terms specified in the Forms (Nos. 2. and 3.) contained in the Schedule of Notices annexed to this Act, or to the like effect, and must be given to the surveyor, or left at the surveyor's office, in like manner as is required upon beginning any new building, and that if any builder make default or neglect to give or leave such notice he shall forfeit for every such offence a sum not exceeding 20*l*.; and that if any such building, chimney, or wall be begun to be built, pulled down, rebuilt, cut into, or altered as aforesaid, or be proceeded with after any suspension of the progress thereof before such notice has been given; or if such surveyor or the official referees be refused admittance to inspect the same premises, then such building or work shall be liable to be abated as a nuisance under the provisions herein contained: Provided always, that if by reason of any emergency any act, matter, or thing placed under the supervision of the surveyor be required to be done immediately, or before notice can be given to the surveyor, then it shall be lawful for the builder or any person to do such act, matter, or thing so requisite, but upon this condition, that within forty-eight hours after beginning to execute such work notice thereof be given to the surveyor.

XIV. With regard to such buildings and works, so far as relates to the supervision thereof, That if in building, pulling down, rebuilding, cutting into or altering any part of any building, or party wall or external wall, or chimney stack or flue, drains, cesspools, or any work or other thing be done contrary to or not conformably with the rules and directions of this Act, then forthwith it shall be the duty of the surveyor and he is hereby required to give forty-eight hours notice, according to the Form (No. 4.) in the Schedule of Notices, or to the like effect, to the builder, foreman, or principal workman on the premises, to amend any such irregularity which he shall deem to have been committed, and forthwith after the expiration of such notice to proceed to inspect the work; and that if the work be so far advanced that he cannot ascertain whether the irregularity has been committed or not, or exists or not, then it shall be lawful for him and he is hereby empowered to order any work to be cut into, laid open, or pulled down, which shall in his opinion prevent his ascertaining whether any such irregularity exists or not; and that if within forty-eight hours the builder to whom any such notice shall have been given refuse or fail to amend any irregular work, or if any such builder, when ordered by the surveyor, refuse to cut into, lay open, or pull down any work which shall in his opinion prevent his ascertaining whether such irregular work exists or not, then, as soon as conveniently shall be, it shall be the duty of the surveyor to give information thereof to the official referees; and that upon the receipt of such information it shall be the duty of such official referees and they are hereby required to proceed to hear the matter, and if any breach of the rules, regulations, and directions of this Act be found to have been committed, or if there appear good reason to suppose any such breach has been committed and is concealed, then it shall be lawful for the official referees and they are hereby authorized to direct by their award that such building, party wall, external wall, chimney stack, flue, or other thing, or such part thereof as they shall deem necessary, shall be amended, removed, cut into, laid open, or pulled down; and that all the costs, charges, and expenses of the said work, and of the said application to the official referees, shall be borne by such party or parties as the official referees shall determine.

xv. And, for the purpose of making provision for the supervision of buildings of the first rate of the second or warehouse class, and of all buildings of the third or public building class (except the buildings hereinbefore excepted), it is enacted, with regard to every such building, so far as relates to the special supervision thereof, That when all the walls of any such building shall have been built to their full height, and all the timbers of the floors, roofs, and partitions shall have been fixed, it shall be the duty of the architect or builder and he is hereby required to give notice thereof to the official referees, according to the Form (No. 6.) in the Schedule of Notices, or to the like effect; and if the official referees be of opinion that such building is subject to the special supervision herein provided, then within seven days after such notice it shall be their duty to survey the said building; and that if they approve of the same, then within seven days after such survey to certify such approval, under their hands to the architect or builder; or that if any part of the walls, timbers, roof, or internal supports appear to such official referees defective, insufficient, or insecure, then within the said seven days after such survey they are hereby required to give to such architect or builder notice of such parts as shall so appear to them defective, insufficient, or insecure, which notice must be in writing; and that upon the receipt of such notice it shall be the duty of the said architect or builder and he is hereby required to amend and strengthen such defective, insufficient, or insecure parts; and that during or within a period of seven days after notice has been given to the official referees that such works have been amended or strengthened as aforesaid, it shall be the duty of the official referees and they are hereby required to inspect the same, or in default thereof the said parts may be covered up; and that upon completion of every such building it shall be the duty of the architect or builder to give fresh notice to the official referees, according to the Form (No. 7.) in the Schedule of Notices, or to the like effect; and that thereupon, or within seven days after such notice, it shall be the duty of the official referees to survey the same; and that if upon such survey it shall appear that such building has been built sufficiently strong, and is sufficiently set to be safe, then within fourteen days after such survey it shall be their duty and they are hereby required to certify accordingly, which certificate must be under their hands and the seal of office of registrar of metropolitan buildings; and that, until such certificate shall have been made, or until fourteen days after such survey shall have elapsed without the official referees having given notice in writing that they are not satisfied, it shall not be lawful to use such building for any purpose whatever without the express authority in writing of the official referees under their hands and the seal of office of the registrar of metropolitan buildings; and that if before the certificate of satisfaction shall have been made, or if such further fourteen days as aforesaid shall have elapsed without due notice being given in writing as aforesaid, any such building subject to special supervision shall be used for any purpose without such express authority in writing, then, on conviction thereof before two Justices of the Peace, the occupier of such building, or other the person by whom such building shall be so used, shall forfeit for such offence a sum not exceeding 200*l.* for every day during which such building shall be so used without having obtained such certificate of satisfaction, or such express authority as aforesaid; and that, in determining the amount of any such penalty, it shall be the duty of the Justices and they are hereby directed to have regard to the size and character of the building, and to the nature and extent of danger involved in the use of such building, and to the amount of profit which might be derived from such use thereof.

xvi. With regard to the buildings comprised in Schedule (B.) Part I. to this Act annexed, so far as relates to the supervision thereof, that before the builder begin to build the same it shall be the duty of the architect or the builder and he is hereby required to give notice thereof to the official referees, and also, at the same time, to transmit for their inspection the plans, elevations, and other drawings which have been made for the same; and that forthwith thereupon it shall be the duty of the official referees and they are hereby required to proceed to survey the situation of the intended building with a view to ascertain whether such building can be erected on such situation with due regard to the security of the public; and that, from time to time during the progress of such building, it shall be the duty of such official referees and they are hereby directed to inspect the same with a view to ascertain the sufficiency thereof; and that if such building or any part thereof appear to such official referees defective, insufficient, or insecure, then they are hereby required to give to such architect or builder notice of such parts as shall so appear to them defective, insufficient, or insecure, which notice must be in writing; and that upon the receipt of such notice it shall be the duty of the said architect or builder, and he is hereby required to amend and strengthen such defective, insufficient, or insecure parts; and that during or within a period of seven days after notice has been given to the official referees that such works have been amended or strengthened as aforesaid, it shall be the duty of the official referees, and they are hereby required to inspect the same, or in default thereof the said parts may be covered up; and that upon completion of every such building it shall be the duty of the architect or builder to give fresh notice to the official referees; and that thereupon, or within seven days after such notice, it shall be the duty of the official referees to survey the same; and that if upon such survey it shall appear that such building has been built sufficiently strong, then it shall be their duty to certify accordingly, which certificate must be under their hands and the seal of office of registrar of metropolitan buildings; and that until such certificate shall have been made, or until fourteen days after such survey shall have elapsed without the official referees having given notice in writing that they are not satisfied, it shall not be lawful to use such building for any purpose whatever without the express authority in writing of the official referees under their hands and the seal of office of the registrar of metropolitan buildings; and that if before the certificate of satisfaction shall have been made, or if such fourteen days as aforesaid shall have elapsed without due notice in writing being given as aforesaid, any such building subject to special supervision shall be used for any purpose without such express authority in writing, then, on conviction thereof before two Justices of the Peace, the occupier of such building, or other the person by whom such building shall be so used, shall forfeit for such offence a sum not exceeding 100*l.* for every day during which such building shall be so used without having obtained such certificate of satisfaction, or such express authority as aforesaid; and that, in determining the amount of any such penalty, it shall be the duty of the Justices and they are hereby directed to have regard to the nature and extent of danger involved in the use of such building, and to the amount of profit which might be derived from such use thereof.

xvii. With regard to buildings and works, so far as relates to the entry thereon for the supervision thereof, That at all times during the progress of any operations in respect thereof within the meaning of this Act, it shall be lawful for the surveyor and for the official referees, and they are hereby respectively authorized, to enter upon the premises upon which such operations have been commenced; and that if at any time whilst any building is in course of construction, demolition, altera-

tion, or reconstruction any person refuse to admit the surveyor, or the official referees authorized under this Act, during the customary working hours, to inspect such building, or any person refuse or neglect to afford such surveyor or official referee every assistance which may be reasonably required in and about such inspection, then in every such case, on conviction thereof, the party offending shall forfeit for every such offence a sum not exceeding 20*l*.; and that if at any time during such customary working-hours the surveyor or the official referees be refused admittance to make inspection of any work, then for that purpose it shall be lawful for such surveyor or for such official referees, and they are hereby empowered, accompanied by a peace-officer, to enter upon the ground, building, and premises where the same shall be.

XVIII. And for the purpose of more effectually enforcing the observance of the provisions of this Act, it is enacted, with regard to any buildings, drains, timber buildings, chimneys and flues, party walls, party fence walls, external walls and projections, and every other part of every building of every class, or rate of any class, which shall be hereafter built, rebuilt, enlarged, or altered, within the limits of this Act, contrary to the provisions hereof, so far as relates to the removal thereof, That if the same be not built, rebuilt, enlarged, or altered in the manner and of the materials, and in every other respect according to and in conformity with the several rules and directions which are in this Act particularly specified, and if any person build or begin to build, or cause the building or beginning to build, or alter or cause to be altered, or use or cause to be used, any part of any ground or building, projection, drain, or other thing contrary thereunto, and if in either of such cases it so appear by the certificate of the official referees, then the said building, projection, drain, or other thing, or such part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered or so used, shall be deemed a nuisance; and that thereupon it shall be the duty of the surveyor, and he is hereby directed to summon the builder before any two Justices of the Peace; and that if at the time and place appointed on such summons such builder fail to appear, then it shall be lawful for the said Justices and they are hereby authorized to issue a warrant under their hands and seals to compel such builder to appear before such Justices or any other two Justices; and that thereupon it shall be the duty of such builder and he is hereby required to enter into a recognizance, in such sum as the said Justices shall appoint, for abating and taking down the same within such convenient time as the said Justices shall respectively appoint, or otherwise for amending the same according to such rules and directions as are herein contained, and also for paying the costs, charges, and expenses incurred by the surveyor in laying the information and obtaining the conviction, including such compensation for the surveyor's loss of time as the said Justices shall think fit; and that if the party so required fail to enter into such recognizance, then it shall be lawful for either of such Justices or any Justice, and they are hereby required, to commit such builder to the common gaol of the city, county, or liberty where the offence shall be committed, there to remain without bail or main-prize until he shall have entered into such recognizance as aforesaid, or until such irregular building shall have been abated or demolished or otherwise amended, or such nuisance shall be abated or demolished by order of such Justices respectively (which order the said Justices are hereby empowered to make), and until the costs, charges, and expenses thereof, and of all operations and proceedings in relation thereto, shall have been paid; and further, that if application be made to any two or more Justices, then thereupon it shall be their duty, and they are hereby empowered, to order the surveyor or any other person to abate or demolish such nuisance, and to order the persons authorized by them so to abate or demolish the same to sell and dispose of the materials thereof, and out of the moneys arising by such sale to pay to themselves, and all persons by them employed for such purpose, the reasonable charges for abating or demolishing such nuisance, and also such costs and expenses as aforesaid, and to pay the surplus moneys arising by such sale (if any) to such owner of the building as the official referees shall determine to be entitled thereto; and that if the moneys arising by such sale be not sufficient to pay such charges, then it shall be the duty of the person entitled to the immediate possession of such building, or the occupier, to make good the deficiency, subject to reimbursement as hereinafter provided; and if he fail, then he shall be liable to the same remedies for the recovery thereof as are by this Act provided concerning the expense of taking down ruinous buildings, and putting up hoards for the safety of passengers.

XIX. With regard to any building or work, so far as relates to the non-observance of the provisions of this Act in that behalf by workmen and others, that if any workman, labourer, servant, or other person employed in any building, or in the alteration, fitting up, or decoration of any building, wilfully, and without the direction, privity, or consent of the person causing such work to be done, do anything in or about such building contrary to the rules and directions of this Act, then upon conviction thereof before any two Justices of the Peace, upon the oath of one or more credible witness or witnesses (which oath the said Justices are hereby empowered and required to administer), every such offender shall be liable to forfeit for every such offence a sum not exceeding 50*l*.; and that if upon or immediately after such conviction any such forfeiture be not paid, then it shall be the duty of any two Justices of the Peace to whom application shall be made to commit the offenders, by warrant under the hand and seal of such Justices, to the common gaol for any term not exceeding one month, at the discretion of such Justices.

XX. And forasmuch as from time to time occasion hath arisen and will hereafter arise to execute the following works in relation to adjoining buildings and premises parted by the same party wall or party fence wall, but belonging to different owners, or occupied by different persons, or to buildings intermixed belonging to different owners or occupied by different persons; namely,

The reparation of the party walls by which such premises shall be parted:

The pulling down and rebuilding of such party walls:

The raising of such party walls:

The reparation of party fence walls:

The rebuilding of such party fence walls:

The raising of such party fence walls:

The pulling down of timber partitions which part buildings the property of different owners or occupied by different persons, and building in lieu thereof proper party walls:

The pulling down of buildings built over public ways, or having rooms or stories the property of different persons, or occupied by different persons, lying intermixed, for the purpose of building proper party walls or party arches:

And generally the performance of other necessary works incident to the connexion of such party walls or party fence walls with the premises adjoining; it is expedient to make provision, as well for facilitating the execution of such works by any such owner desirous to execute the same (who is herein denominated the "building owner"), as for protecting the interests of the owner of the adjoining premises (who is herein denominated the "adjoining owner"); now for that purpose it is enacted, with regard to all premises parted by a party wall or party fence wall, or parted by timber partitions, and with regard to all intermixed properties not so parted, so far as relates to the execution of any such works by any owner of any such premises, That if the adjoining owner shall have consented thereto, or if, without such consent, the required notice of such work shall have been given by or on the part of the building owner to such adjoining owner, then, subject to such modification as shall be made by virtue of the provision in that behalf, and subject to the provision for supplying the want of consent of the owners, and subject moreover to the respective conditions hereby prescribed with regard to such works respectively, as well as to the payment of the costs of such works, and to the sanction or to the award of the surveyors or of the official referees, as hereby prescribed in reference thereto, it shall be lawful for every such building owner and he is hereby authorized or required to execute such works.

XXI. With regard to such works, so far as relates to the notice thereof, That, unless the adjoining owner consent thereto, it shall not be lawful for the "building owner" to execute such works until he have given notice thereof to such "adjoining owner"; and every such notice with regard to the pulling down, rebuilding, or repairing of party walls or party fence walls must be given three months at the least before the work is to be commenced; and every such notice with regard to the pulling down and rebuilding intermixed walls and timber partitions must be given three months at the least before such work is to be commenced; and every such notice must be in the form or to the effect of the notice (No. 8.) for that purpose contained in the Schedule of Notices hereunto annexed.

XXII. With regard to every such work, so far as relates to the modification thereof, in order to render it suitable to the premises of the adjoining owner or his tenant, that if the adjoining owner, at any time within two months after the receipt of the said notice from the building owner, give notice of his desire that any modification be made in the work, so as to render it suitable to his premises, according to the Form (No. 18.) in the Schedule of Notices, or to the like effect, then within seven days after the receipt of such notice it shall be the duty of the building owner, and he is hereby required, to signify his consent to or dissent from such modification or delay; and that if the building owner dissent from, or do not within such seven days signify his consent to such modification, then it shall be lawful for the adjoining owner and he is hereby entitled to require the building owner not to commence the work until the official referees shall have determined thereon; and that if within seven days thereafter application be made in writing to the official referees, according to the Form (No. 19.) in the Schedule of Notices, or to the like effect, and notice thereof be given to the building owner, according to the other Form (No. 20.), then within ten days after such application it shall be the duty of the official referees to signify their decision thereon, and it shall be the duty of the building owner not to commence the work till the decision of such official referees shall have been given; and that if within the period of three months from the date of the first notice such adjoining owner do not make any objection or any requisition in conformity with this enactment, then, subject to the provisions of this Act with regard to such works, it shall be lawful for the building owner and he is hereby authorized to proceed to execute the same.

XXIII. With regard to every such work, so far as relates to the modification thereof, in order to render it suitable to the premises, or to the convenience of the adjoining owner or his tenant, That if the adjoining owner, at any time within three months after the receipt of the said notice from the building owner, give notice of his desire that the work be delayed, so as to cause it to be executed at a more reasonable or a more convenient time in reference to the business or to the family or domestic arrangements of such adjoining owner or his tenants, according to the Form (No. 18.) in the Schedule of Notices, or to the like effect, then within seven days after the receipt of the notice thereof it shall be the duty of the building owner and he is hereby required to signify his consent to or dissent from such modification or delay; and that if the building owner do not within such seven days signify his consent to such modification or delay, then it shall be lawful for the adjoining owner and he is hereby entitled to require the building owner to delay the work until the official referees shall have determined thereon; and that if within seven days thereafter application be made in writing to the official referees, according to the form (No. 19.) in the Schedule of Notices, or to the like effect, and notice thereof be given to the building owner, according to the other Form (No. 20.), then within ten days after such application it shall be the duty of the official referees to signify their decision thereon, and it shall be the duty of the building owner to delay the same till the decision of such official referees shall have been given; and that if within the period of three months from the date of the first notice such adjoining owner do not make any objection or any requisition in conformity with this enactment, then, subject to the provisions of this Act with regard to such works, it shall be lawful for the building owner and he is hereby authorized to proceed to execute the same.

XXIV. With regard to any such works hereby authorized to be done in relation to party walls, party arches, party fence walls, or other such structures belonging to the owners of adjoining buildings or parting adjoining premises, so far as relates to supplying the want of consent of the adjoining owners, That if the adjoining premises be unoccupied, or if the owner thereof cannot be found, or if the owner although found cannot, by reason of legal disability or otherwise, consent to the work, or if the owner will not consent thereto, or if differences arise amongst the parties concerned, then the notice required to be given in respect of such work must be served both on the surveyor and on the official referees, in addition to such other parties entitled to notice under this Act upon whom such notice can be served, which must be according to the Form (No. 9.) in the Schedule of Notices, or to the like effect; and that forthwith on the receipt of such notice it shall be the duty of the surveyor and he is hereby required to give notice to the parties by whom such work is to be executed, and to any one or more surveyors or other agents by them appointed, as to the day and hour when he will view the premises, according to the form (No. 10.) in the Schedule of Notices, or to the like effect; and at such time it shall be the duty of the surveyor of the district and he is hereby authorized to proceed to inspect such premises accordingly, and to certify to the official referees,

First, Whether such work ought to be done or not; and

Secondly, If the same ought to be done, whether it ought to be done in the proposed manner; and

Thirdly, The site whereon the party wall should be built; and, with regard to Intermixed buildings, what party arches may be necessary over or under any rooms of such buildings so intended to be rebuilt; and

Fourthly, The quantity of the soil or ground or other parts of the premises (if any) necessary to be laid to or taken from the house of the person desirous to rebuild to the house of the person permitting him to erect a party wall or party arch; and

Fifthly, The compensation (if any) which should be made and paid by either the building owner or the adjoining owner to the other in lieu of the lessening either of the said buildings by such party wall or party arch, or as a satisfaction for such other injury (if any) as shall be done or occasioned thereby to any of the said parties;

And that upon the receipt of such certificate it shall be the duty of the official referees, and they are hereby required, to cause notice thereof to be given to the parties or to such of them as are known; and that if within seven days after such notice to the parties the certificate be not appealed against, and if the official referees be of opinion that the work is proper to be done, and the compensation is fair, then it shall be lawful for the official referees to confirm such certificate, and to authorize the building owner to proceed with the works as if the consent of the adjoining owner had been obtained; and that if any party concerned shall appeal against the certificate of the surveyor as to the work to be done, or as to the compensation, or as to any other matter referred to in such certificate in pursuance of the above provisions, then it shall be the duty of the official referees, and they are hereby required, to appoint one of their number to survey the building in question; and that for that purpose it shall be the duty of the official referee so appointed, and he is hereby required, to give notice to the parties, and to any one or more surveyors or other agents by them appointed, as to the time when he will view the premises; and that at such time it shall be the duty of such referee and he is hereby authorized to view such premises accordingly, and to inquire into the matters appealed against, and to certify to the official referees his opinion thereon; and that upon such certificate being made it shall be lawful for the official referees to make their award, thereby either confirming or reversing or modifying, as to them the case may seem to require, the certificate of the surveyor, and appointing by whom and in what proportions the expenses of the surveys and of the reports thereon are to be paid, and such award shall be final and conclusive; and with regard to any works by such award authorized, so far as relates to the proceedings of the building owner, that if upon the making of the award the periods of the notices by this Act prescribed with regard to works of that nature have elapsed, then immediately upon the making of the award, but if such periods have not elapsed then as soon after the making of the award as such periods shall have elapsed, it shall be lawful for the building owner, his agents, servants, and workmen, to proceed to execute the works.

xxv. With regard to any party wall, party arch, or external wall used wholly or in part as a party fence wall, so far as relates to the reparation and rebuilding thereof at the joint expense of the owners of the buildings parted thereby, That if such party structure be so defective or so far out of repair as to render it necessary to pull down and rebuild the same, or any part thereof, then on notice being given by the owner of one of the buildings to the adjoining owner, according to the Form (No. 2.) in the Schedule of Notices, or to the like effect, it shall be lawful for the building owner to require a survey, certificate, and award, authorizing the execution of such reparation, or rebuilding, according to the provisions hereinbefore contained in that behalf.

xxvi. With regard to sound party walls, so far as relates to the rebuilding thereof at the expense of the building owner, That if the owner of one of the buildings desire to rebuild such party wall, then, on giving to the adjoining owner the required notice of three months, according to the Form (No. 14.) in the Schedule of Notices, or to the like effect, it shall be lawful for such building owner and he is hereby entitled to pull down and rebuild such party wall, but upon condition that he do reinstate and make good all the internal finishings and decorations of the adjoining premises, and pay all the costs and charges thereof, and also all the expenses incidental to the execution of the work, including therein the fees and expenses of the survey, and the fees of the surveyors, and any fees in respect of any services performed by the official referees, and also such reasonable compensation as to the said official referees may seem proper for any loss which the adjoining owner shall have incurred by reason of such work.

xxvii. With regard to any party wall, so far as the rebuilding thereof, That if the owner of one of the buildings parted by such party wall rebuild such building of a higher rate, and do not pull down such party wall and build a proper wall in lieu thereof, then it shall be his duty and he is hereby required to build up an external wall against such party wall.

xxviii. With regard to an external wall built against a party wall, so far as relates to the operations incident thereto, and to the making good any damage occasioned thereby, That if it be necessary to excavate or dig out the ground against the wall of any adjoining building for the purpose of erecting a wall thereon, or for any other purpose, then it shall be lawful for the building owner and he is hereby entitled so to do, but upon condition that the said building owner do at his own costs shore up and underpin such wall, or such part thereof, to its full thickness and to the full depth of such excavation, with good sound stock bricks and tiles or slates bedded in cement, or with other proper and sufficient materials, such underpinning to be done in a workmanlike and substantial manner; and that if for the purpose of erecting such external wall it be necessary to cut away part of the footings of such party wall, on the side next to the wall so to be built, and any part of the chimney breasts and chimney shafts belonging to the building about to be rebuilt as shall project beyond the perpendicular face of such party wall in the lowest floor thereof, then, on giving notice of such intention in writing to the owner of the adjoining building at least one month before commencing operations, according to the Form (No. 16.) in the Schedule of Notices, or to the like effect, and on the expiration of such notice, it shall be lawful for the building owner and he is hereby authorized to cut away such portions of the footings, breasts, and chimney shafts aforesaid, but so that the same be done, and the brick-work where cut be again made good in cement, under the superintendence and to the satisfaction of the surveyor.

xxix. Provided and enacted, with regard to such party wall, so far as relates to the making good of any such damage, That if it be so damaged and injured by such cutting away as in the opinion of the adjoining owner or occupier to be ruinous or dangerous, then upon application for that purpose it shall be the duty of the surveyor and he is hereby required to survey such wall; and if upon the survey thereof it be found ruinous or dangerous, then to condemn it; and that thereupon it shall be the duty of the building owner to pull down and rebuild such party wall; and that if in the opinion of the surveyor or of

the official referees such damage or injury shall have been occasioned by want of due care on the part of the building owner, then it shall be the duty of such building owner, and he is hereby required to pull down and rebuild such party wall, and that at his own costs and charges, including therein all the costs and expenses incident to such survey, and the pulling down and rebuilding of such party wall, and the reinstating and making good all the internal finishings and decorations damaged thereby; and that if the owner of the building to be rebuilt do not proceed with all due despatch to pull down and rebuild such party wall, and to reinstate and make good all the internal finishings and decorations of the adjoining premises, and to pay the costs and charges and expenses of the survey, then it shall be lawful for the adjoining owner so to do, and he is hereby entitled to recover all the costs and expenses in respect thereof from such owner, his heirs, executors, administrators, or assigns.

XXX. With regard to any sound party wall against which an external wall shall have been built, and which shall have been suffered to remain, so far as relates to the rebuilding thereof, That if, while such party wall continues sound, the adjoining building be pulled down or rebuilt, and such party wall be pulled down, then the owner of such adjoining building shall not be entitled to more than his just proportion of the materials thereof, nor to more than his just proportion of the ground on which such party wall was built, nor shall he build on more than his just proportion of the said ground, unless he shall have agreed with and satisfied the owner of the building so previously rebuilt for his half thereof; and that if the said owners cannot agree concerning the division of such materials, or of such ground, or of the building thereon, or concerning the reimbursement of the party first rebuilding as aforesaid, then the price and all matters in difference, including the sale and purchase of the ground in question, shall be settled by a reference to the official referees, whose award shall be final.

XXXI. With regard to every building hereafter built, so far as relates to the raising thereof, That it shall be lawful to raise any building, but so that nevertheless the party and external walls and chimneys thereof, when so raised, be of the materials and of the several heights and thicknesses hereinbefore described for party and external walls and chimneys of the rate such building shall be of when so raised; and with regard to buildings already built, so far as relates to the raising thereof, that although the walls of such buildings be not of the thicknesses prescribed by this Act, if, in the opinion of the surveyor, such walls be sufficiently secure to allow of the raising thereof, then it shall be lawful to raise any such building already built to an additional height not exceeding ten feet; and with regard to any building adjoining one which shall be raised, so far as relates to the raising of the chimneys thereof, that if any building be raised it shall be the duty of the owner of such building and he is hereby required to build up, at his own expense, the party walls between his own and any adjoining building, and all flues and chimney stacks belonging thereto; and with regard to any building raised, so far as relates to the use thereof by the adjoining owner, that if at any time the owner of any such adjoining building make use of any portion of the part raised of such party wall by building against it, or otherwise, it shall be lawful for the owner of the premises so first raised to claim, and he is hereby entitled to recover, the cost of a proportionate part of the portion which shall be so used, together with the cost of such parts of the chimney stacks as belong thereto.

XXXII. With regard to party fence walls, by which term is to be understood any boundary wall parting the grounds belonging to different owners or occupied by different persons, so far as relates to the reparation and rebuilding and raising thereof, That if the owner of any of the premises parted thereby give one month's notice of his intention to the adjoining owner to repair, pull down, and rebuild the same, it shall be lawful for him so to do; and if the wall be below the height of nine feet from the ground on either side, then either to raise it to that height, or to pull it down and to rebuild it to that height, but upon condition that he do pay all the expenses thereof; and that if a building be to be erected against such party fence wall, and such wall be not conformable to the requisites prescribed for a proper party wall for a building of that class and rate, then it shall be lawful for the building owner and he is hereby entitled to pull down such party fence wall, but upon condition that he do pay all the expenses thereof, and also that he do make good every damage which shall accrue to such adjoining premises by such rebuilding: Provided always, with regard to the expense of so pulling down such party fence wall, and rebuilding the same, that if thereafter the adjoining owner use such party fence wall for any purpose to which, if it had not been pulled down and rebuilt, it would not have been applicable, then to such extent as such adjoining owner shall so use such wall the building owner shall be entitled to be reimbursed the expenses of so pulling down and rebuilding such wall: Provided also, with regard to any such party fence wall, so far as relates to the limitation of the height thereof, that if any party desire to raise such wall so as to screen from view any offensive object or neighbourhood, then on application to the official referees it shall be lawful for them to authorize such work, but not so as to obstruct the free circulation of the air, or to injure the property adjoining to or in the neighbourhood of such wall.

XXXIII. With regard to the party timber partitions of existing buildings belonging to different owners, so far as relates to the pulling down thereof, and any wall under or over the same, That if one of the buildings be rebuilt, or if one of the fronts of any such building be taken down to the height of one story, or for a space equal to one fourth of such front from the level of the second floor upwards, then without the consent of the adjoining owner, but upon giving the requisite notice, according to the Forms (Nos. 11, 12, 13,) in the Schedule of Notices, or to the like effect, it shall be the duty of the building owner, and he is hereby required to pull down such timber partitions, and the walls under or over the same, and in lieu thereof to build a proper party wall, and that at the expense of the owners of all the premises parted thereby.

XXXIV. With regard to buildings built over public ways, or having rooms or stories, the property of different persons, lying intermixed (except inns of court hereinafter provided for), so far as relates to the pulling down and laying the parts thereof to each other, That if a party wall or party arch cannot be built without pulling down such buildings, and so laying parts thereof to each other, and if in default of the consent of all proper parties the official referees authorize such works, then it shall be lawful for the owner of either of the said buildings to execute the same, but so that the party walls or party arches be conformable to the provisions of this Act, and the directions of the said official referees in their award made in that behalf.

XXXV. With regard to the rooms or chambers in the inns of court, (that is to say,) in Serjeants' Inn, Chancery Lane, or in any of the four inns of court, or in any of the inns of Chancery, or any other inns set apart for the study or practice of the law, and with regard to other buildings divided into rooms or chambers, offices, or counting-houses, let out or to be let in

separate suits or sets, so far as relates to the building of party walls, That the walls or divisions between the several rooms and chambers in such inns, or such buildings, belonging to and communicating with each separate and distinct staircase, shall be deemed to be party walls within the meaning of this Act, and as such must be built in conformity with the regulations and clauses herein contained relating to party walls.

XXXVI. And for the purpose of facilitating and regulating the execution of any works authorized by this Act, or by any award in pursuance thereof, in respect of any party wall or party arch parting the buildings or grounds belonging to different owners, or in the occupation of different persons, or in respect of intermixed buildings, it is enacted, with regard to any such works, so far as relates to the power to enter the adjoining premises in order to execute the same, That if such work have been duly authorized, either by the consent of the parties competent to give such consent, or by the award or certificate of the official referees, then, at any time between the hours of six in the morning and seven in the afternoon (Sundays excepted), it shall be lawful for the building owner, or any other person acting in his behalf, accompanied by a constable or other officer of the peace, and they are hereby respectively empowered, to enter on the premises of the adjoining owner, so far as may be necessary for executing such work; and that if the outer door of such building be shut, and being thereunto required the person therein refuse to open the same, or if such building be empty and unoccupied, then it shall be lawful to break open such outer door; and if any fixtures, goods, furniture, or other thing obstruct the building of such intended party wall or party arch, or the pulling down any wall, partition, or other thing necessary to be pulled down and removed in order to the building such intended party wall or party arch, then to remove such fixtures, goods, furniture, and things to some other part of the same premises, or if there be no room on the premises sufficient for that purpose, to remove them to some other place of safe custody; and that from and after such entry, and at all usual times of working, it shall be lawful for the builder employed to erect such intended party wall or party arch, and for his servants and all others employed by him, to enter into and upon the premises, and abide therein the usual times of working, as well for the shoring up of the said building so broken into and entered upon, and for taking down and removing any party wall, partition, wainscot, or other thing necessary to be taken down and removed for the purpose aforesaid, as to build such intended party wall or party arch; and that if in any manner any such owner or other person hinder or obstruct any workman employed for any of the purposes aforesaid, or wilfully damage or injure the said works, then every such person so offending shall forfeit for every such offence a sum not exceeding 10*l*.

XXXVII. And for the purpose of further protecting the interests of adjoining owners, it is enacted, with regard to external walls adjoining the ground or building of another owner, so far as relates to the making of openings therein, That if, without the consent in writing of the owner of such ground or building, any opening be made in any such wall, then it shall be lawful for such owner and he is hereby entitled to require the owner of the premises in which such opening shall be made to stop up the same with brick or stone work, as the case may be, according to the Form (No. 5.) in the Schedule of Notices, or to the like effect; and that if within one month after such notice such stoppage be not effected, then it shall be lawful for such owner and he is hereby entitled, either by himself or his workmen, with tools, implements, and materials, to cause such openings so to be stopped, and he is also hereby entitled to be repaid the costs thereof; and with regard to such costs, so far as relates to the adjustment thereof, that if such owner refuse to make payment thereof, or if there be any dispute as to the amount thereof, then, on application for the purpose to the official referees, by either of the parties concerned, it shall be lawful for the person by whom they have been incurred and he is hereby entitled to refer the matter of such dispute to the official referees, and to have their determination thereon; and that it shall be the duty of such official referees to give to the applicant a certificate in relation thereto; and that if any party liable to pay any sum of money under such certificate fail to do so, then it shall be lawful for the party entitled to such costs to recover the same in the manner hereinafter provided for the recovery of the costs, charges, and expenses of executing any works in pursuance of this Act.

XXXVIII. With regard to walls, so far as relates to the building thereof on vacant ground at the line of junction of premises belonging to different owners or in different occupations, that one month before the owner of any piece of vacant ground, or ground not hitherto built upon, shall build any building adjoining to another piece of vacant ground, or ground not hitherto built upon, or build a fence wall for such piece of ground, it shall be his duty and he is hereby required to give to the owner or occupier of such adjoining vacant ground a notice, which must be in writing, and must set forth his desire to build a party wall or party fence wall, and describe the thicknesses and dimensions of such desired party wall or party fence wall, according to the Form (No. 16.) in the Schedule of Notices, or to the like effect; and that if within such period of one month such adjoining owner shall signify his consent in writing, then the same must be built partly on the ground of one of the said owners or occupiers, and partly on the ground of the other owner, and such last-mentioned part is to be paid for as is hereinafter directed by such other owner or occupier; but if he do not signify such consent, then it shall be the duty of the building owner to build an external wall for such building, and fence wall for such ground, entirely upon his own ground, except as to the footings of any such wall.

XXXIX. With regard to any new party wall built on the line of junction of premises belonging to different owners, so far as relates to the providing of chimney breasts and other accommodation for the adjoining owner, that when the owner of any piece of vacant ground shall have obtained the consent of the adjoining owner to build a party wall on the line of junction of their respective premises, then, ten days at the least before beginning to build such party wall, it shall be the duty of the building owner to give the adjoining owner notice thereof, according to the Form (No. 16.) in the Schedule of Notices, or to the like effect; and that if in due time the adjoining owner shall give instructions in writing, or by a plan and elevations or other sufficient drawings, then it shall be the duty of the building owner to construct, if practicable, such and so many chimney jambs, breasts, and flues of chimneys in all such parts of such party wall as shall be by such instructions required, and to leave such recesses in every such wall as may be so required, but so that they be conformable with the directions of this Act concerning party walls and chimneys; and that thereupon it shall be lawful for the building owner to claim and he is hereby entitled to recover from the adjoining owner all the expenses of constructing such chimney jambs, breasts, and flues of chimneys, and recesses, as provided by this Act in that behalf.

XL. And after reciting that buildings within the limits of this Act are often, either from litigated titles thereto, or from the obstinacy, neglect, or poverty of the owners thereof or of the parties interested therein, or from other causes, in so ruinous a condition that passengers are endangered thereby; now, for the purpose of making provision in that behalf, it is enacted, with regard to ruinous buildings or parts of buildings, so far as relates to repairing or pulling down the same, that upon receiving information of any building being in a ruinous and dangerous condition it shall be the duty of the surveyor and of the overseers for the time being of the parish or place in which the same shall be, and they are hereby respectively required, to apply forthwith to the official referees to authorize a survey to be made thereof; and that thereupon it shall be lawful for the official referees to direct the surveyor to make such survey; and that thereupon it shall be the duty of such surveyor to act in all respects as in the case of a survey of party walls; and that upon the receipt of the certificate of the surveyor it shall be lawful for the official referees and they are hereby required to cause a copy thereof to be transmitted, if the premises be within the city of London, then to the court of Lord Mayor and aldermen, and if they be elsewhere, then to the overseers of the poor of the parish or place in which such premises shall be; and that thereupon it shall be the duty of such mayor and court of aldermen, and overseers, to cause with all convenient speed any such ruinous building to be securely shored, or a proper and sufficient hoard to be put up for the safety of all passengers, and to cause notice in writing to be given to the owner of such building to repair or pull down the same or any part thereof, as the case may require, within fourteen days then next ensuing; and that if within the said fourteen days the repair or demolition thereof be not begun, and be not completed as soon as the nature of the case will admit, then, on a declaration being made before the said Lord Mayor or a Justice of the Peace of such notice having been so given (which declaration the said Lord Mayor and Justice are hereby respectively empowered and required to receive), it shall be lawful for the said Lord Mayor and court of aldermen, and they are hereby authorized and required, out of the cash in the chamber of London, and also for every such overseer of the poor by and out of the money in his hands, and they are hereby severally authorized and required, with all convenient speed, to order and cause such building, or such part thereof so certified to be in a ruinous and dangerous condition as shall be necessary for the safety of the passengers, to be repaired or pulled down, or secured in such manner as shall from time to time be requisite: Provided always, that if such Lord Mayor and aldermen, or such overseers, appeal against such certificate, it shall be the duty of the official referees to proceed to survey, to certify, and to award in all respects as in the case of an appeal from the certificate of the surveyor with reference to party walls or intermixed buildings; and that if such official referee certify that the said premises are ruinous and dangerous, it shall be the duty of the said Lord Mayor or the said overseers to repair or pull down such building as aforesaid.

XLI. With regard to any such ruinous building so pulled down, so far as relates to the disposal of the materials thereof, and to the application of the proceeds, that it shall be lawful for the said Lord Mayor and court of aldermen, or the said overseers, to sell and dispose of such of the materials as they shall judge necessary, and out of the monies arising from the sale thereof to reimburse to themselves, the surveyors and official referees, and every person by them respectively employed for the purposes aforesaid, all the charges of the survey and appeal, and of putting up every such hoard, and of repairing, pulling down, and securing such premises, and of making good the pavement, and of selling the said materials as aforesaid, or so much thereof as the monies arising by such sale will extend to; and that if there be any surplus after payment of all expenses, then, upon demand thereof made by such owner, it shall be the duty of the said Lord Mayor, or of the said overseers, to account for and pay such surplus of the monies arising by such sale to the owner of such building; or if there be any question as to the person entitled to such surplus, or as to the priority of title to such sum of such persons so entitled, or as to the proportions to which such persons are so entitled, then it shall be lawful, either for the Lord Mayor or the overseers, or for any person claiming to be so entitled, to refer the matter to the determination of the official referees, and their decision shall be final; and that if no such demand be made then such surplus shall, as regards places within the city of London and the liberties thereof, be paid to the chamberlain of the city, and as regards all other places such surplus shall be paid to the overseers, and added to the monies raised as rates for the relief of the poor of the parish or place, and accounted for accordingly: Provided nevertheless, that at any time within six years from the deposit of such surplus, it shall be lawful for any such owner, his executors or administrators, to claim and he and they are hereby entitled to recover such surplus; and the said Lord Mayor and aldermen of the city of London, as regards the said city and liberties thereof, are hereby required to pay such surplus out of the cash in the chamber of London; and every overseer, as regards places not within the said city or the liberties thereof, is hereby required to pay such surplus out of any monies raised or to be raised by any rate for the relief of the poor.

XLII. With regard to such ruinous buildings, so far as relates to the expenses of any such survey and appeal, putting up such hoard, repairing, pulling down, and securing such buildings, and selling the materials, beyond the amount thereof which shall have been satisfied by the application thereto of the proceeds of the materials, That if the monies arising from such sale be insufficient to repay all such expenses, then from time to time such deficiency shall be paid by the owner of every such building, being the person entitled to the immediate possession thereof, if known; and that if, on demand thereof, such owner fail to pay such deficiency, then it shall be lawful for the Lord Mayor for the time being, if such ruinous building in question be within the city of London or the liberties thereof, or if elsewhere, for two or more Justices of the Peace, to levy the amount thereof by warrant under their hands and seals, by distress and sale of the goods and chattels of such owner, if any such can be found; and that if no such owner can be met with, or being met with, shall not, on demand, pay the said deficiency, and no sufficient distress of the goods and chattels of such owner can be found, then it shall be lawful for the person who shall at any time thereafter occupy any such building, or the ground where the same stood, and he is hereby authorized and required, to pay and deduct the same out of the rent thereof; and that if he neglect or refuse to pay such deficiency, then it shall be lawful for the said Lord Mayor, or two or more such Justices of the Peace, and they are hereby empowered and required, to cause the same to be levied by distress and sale of the goods and chattels of any occupier of the premises, together with the costs of every such distress and sale; and that if the premises be situate within the city of London and its liberties it shall be the duty of the person by whom the same shall be received, and he is hereby required, to pay the amount to the chamberlain, to be by him from time to time placed to the credit of the cash of the said city of London, and if the premises in respect of which such money shall be received or recovered be not situate within the said city of London and the liberties thereof, then to pay the amount received to

the overseers of the poor for the time being of the parish or place where the premises shall be situate, to be by them placed to the account of the said parish, in aid of the poor rate of the parish or place.

XLIII. With regard to ruinous chimneys, roofs, and projections, so far as relates to the repairing thereof, That if a chimney shaft, chimney pot, or other thing thereon, or the eaves, or parapet or coping, or slates or tiles on the roof, or any projection from the front walls of any building, be in danger of falling, then it shall be the duty of such surveyor and he is hereby required to require the occupier of such building, or if there be no occupier then the owner thereof, to take down or secure the same within thirty-six hours after notice thereof shall have been given; and that if within the time specified such occupier, or some other person interested in such building, do not begin to take down or secure the same, and as soon as the nature of the case will admit complete such taking down or securing of the same, then it shall be the duty of such surveyor to give information thereof to a Justice of the Peace, and thereupon it shall be the duty of such Justice of the Peace to proceed to cause such chimney shaft, chimney pot, or other thing thereon, or the eaves, or parapet or coping, or slates or tiles on the roof, or projection from the front or side wall of such building as shall be considered by such surveyor in danger of falling, to be forthwith taken down or secured; and that if there be no occupier or known owner then it shall be lawful for such Justice to direct that the reasonable expenses, to be certified by the official referees, be paid by the overseers of the parish or place in which such building shall be situated; and that if thereafter the owner of such building become known, or if the building become occupied, then it shall be lawful for the overseers of the poor and they are hereby entitled to recover the amount of such expenses from such owner or from such occupier as in the case of ruinous buildings hereinbefore provided for; and that if within the time limited the occupier or some other person interested in such building, do not take down or secure the same, then for every day during which the same shall so remain unrepaired or not sufficiently secured such occupier, or the owner if there be no occupier, shall forfeit and pay a sum not exceeding 5*l.*; and that such occupier or owner shall also pay the surveyor's fees, and all other costs, charges, and expenses attendant upon any such taking down or securing the building; and all such surveyor's fees, and other costs, charges, and expenses, may be recovered and levied in the same manner as such penalty: Provided always, that if the occupier of such building be not bound by virtue of any lease or other instrument to repair, reinstate, or secure the premises, then such occupier is hereby entitled to retain out of the rent payable in respect of such premises all such penalties, costs, charges, and expenses attendant upon or arising out of the taking down or securing, or the repairing or rebuilding the same, as in the case of any other works the costs of which he is hereby required to pay in the first instance.

XLIV. With regard to adjoining buildings, so far as relates to the making good any damage arising from the falling down of parts thereof (except any such part of a party wall as shall belong to and be used conjointly by the owners or occupiers of the buildings parted thereby), That if at any time any injury or damage be caused to any part of an adjoining building, or to the internal decorations and furniture, goods, wares, and merchandise in such building, by the falling down from any other building of any chimney shaft, chimney pot, parapet, coping, or other thing, then it shall be the duty of the owner of the building from which such part shall fall, and he is hereby bound and required, to reimburse the expense to which the owner or occupier may be put in making good such injury or damage, in like manner as herein directed concerning the reimbursement of the expenses of ruinous party walls; and such costs shall be recoverable in the manner hereinafter directed for the recovery of the costs and expenses of executing works in pursuance of this Act.

XLV. That all the powers and authorities by this Act vested in the Mayor and Aldermen of the city of London may be lawfully exercised by the Court of Mayor and aldermen of the said city to be holden in the outer chamber of the Guildhall of the said city according to the custom of the said city.

XLVI. And for the purpose of reimbursing any building owner for the expense of works incurred in respect of any party structure, it is enacted, with regard to the following works, so far as relates to the reimbursement by the adjoining owner of expenses incurred by the building owner in respect of any party structure built to part the buildings or premises belonging to other owners from the buildings or premises belonging to himself, that is to say,

First, with regard to any party wall hereafter built on the line of junction of any two buildings; and,

Second, with regard to any party wall hereafter built on the line of junction of any building and any vacant ground or of vacant premises belonging to different owners or occupiers; and,

Third, with regard to a ruinous and defective party wall pulled down and rebuilt, either with the consent of the adjoining owner, or in pursuance of the condemnation thereof according to this Act, except a party wall condemned on account of the injury done thereto by any building owner, and the expenses of which and of other incidental works the official referees shall have awarded to be paid by such building owner by virtue of the provision in that behalf; and,

Fourth, with regard to one or more timber partitions between any two or more buildings, pulled down, and a party wall built in lieu thereof; and,

Fifth, with regard to a new party wall or party arch built in lieu of any party wall or party arch between intermixed properties pulled down, either with the consent of the adjoining owner, or in pursuance of the condemnation of such party wall or party arch; and,

Sixth, with regard to any party wall built on the site of a party fence or party fence wall, and used otherwise than as a party fence wall by the person who shall not have built the same; and,

Seventh, with regard to every other case of reimbursement in respect of any party structure, That if the party structure be built in the manner, and of the materials, and of the thicknesses of such structure as required by this Act in reference thereto, then it shall be lawful for the building owner at whose expense such work shall have been executed to claim and he is hereby entitled to be paid, and to recover from the person who is entitled to the immediate possession of the adjoining building or ground, or who is in the immediate occupation thereof, the following compensations; that is to say,

If a new party wall or party arch built on the line of junction by one owner be made use of, either wholly or partially, by the adjoining owner, then the sum of money proportionate to the value of so much of such party structure so made use of; and,

If chimney jambs, chimney breasts and flues, have been set up in any party wall, in pursuance of the instructions of the owner of any vacant ground adjoining to the same, then a sum equal to the value thereof; and,

If an unsound party wall or other party structure be pulled down and rebuilt, then a sum of money equal to a proper proportion of the value of the new party structure, deduction being made for a due proportion of the old materials, and also a proportionate part of all expenses which shall be necessary for pulling down the old party structure in lieu of which such new party structure shall be built; and,

If a party wall be built in lieu of a timber partition or other party structure, and be made use of by the adjoining owner, then a sum of money proportionate to the value of so much of such new party wall as shall be so made use of, and also a proportionate part of all expenses which shall be necessary for pulling down the old timber partition or other party structure; and,

If a party wall or party arch already built or hereafter rebuilt be used by any adjoining owner, then a sum of money proportionate to the value of so much of such party structure as the adjoining owner shall use, deduction being made, where proper, for the value of old materials;

And in every case the whole of the reasonable expenses of the shoring up the adjoining building, and of removing any goods, furniture, or other things therein, and of pulling down any wainscot or partition thereof;

And also such surveyors fees and any other fees payable in respect of any acts performed by the official referees, and also such other costs (if any) as may have been awarded by the official referees as aforesaid in any of the cases hereby provided for:

And until such expenses shall be so paid every person at whose expense such party structure shall have been built is hereby entitled to and shall be possessed of the sole property thereof, and of the ground whereon it stands, and the same shall be vested entirely in the person at whose expense such party structure shall have been built.

XLVII. With regard to the costs of all the works which shall be executed under this Act, incurred either by an owner or by an occupier, either on behalf of the owners of the same premises or on behalf of the owner of the adjoining premises, so far as relates to the recovery thereof, that within twenty-one days after the completion of the work it shall be the duty of the person by whom such expense shall have been incurred to deliver to the adjoining owner of the building or premises in respect of which such expense shall have been incurred an account in writing of the expenses of the work, including all preliminary and incidental operations, and also if the work shall have been executed by the authority of the official referees, by virtue of the power hereby provided for supplying the want of consent of owners, then a copy of such account shall also be delivered to the official referees at their office; and that every such account must contain a true account,—

First, of the number of rods and parts of rods of brick-work, and of all digging, and of concrete, stone-work, and other requisite materials, and of the labour required in executing so much of the work as the owner of the adjoining building shall be liable to pay, and of the respective prices thereof; and,

Secondly, of any deduction which such adjoining owner shall be entitled to make therefrom on account of the old materials of so much of the wall or other structure pulled down which shall have belonged to him;

And also a true account of the expenses of all other preliminary and incidental operations; and that all such works must be estimated and valued in every such account at such rates and prices as shall from time to time be fixed by the official referees; and that if within ten days from the delivery of such account any party dissatisfied with the proportion of the amount thereof charged to him appeal to the official referees, then upon the receipt thereof, or if, in cases of want of due consent as aforesaid, such account be delivered to the official referees as aforesaid, it shall be the duty of the official referees to examine such account, and to certify whether they approve or disapprove of the items thereof, and whether the rates and prices are duly charged, and whether the proportion of the account charged to the party appealing be duly charged, and also to appoint how and by whom the expenses of such examination are to be borne, and also to appoint the time or times at which the amount of such account and of such expenses payable by any party are to be paid; and that if they certify their disapproval, or that the charges are not duly made, or the amount fairly apportioned with regard to the party appealing, then, before any demand be made or any proceedings be taken thereon, the account must be amended, and again examined by the official referees, and certified as aforesaid; and that if the official referees certify their approval, then at the time or times appointed by the said official referees it shall be lawful for the person entitled to such costs and expenses to demand the amount thereof; and that if, within ten days after the delivering of such account to the party liable to pay the same, such party do not either appeal against such account or pay the same, or if, within ten days after the demand thereof, in conformity with the certificate of the official referees, the amount thereof, together with the costs of the examination of the account as the official referees shall certify, be not paid, then it shall be lawful for the person entitled thereto to recover the same, or so much thereof as shall be then due, by the summary proceeding hereby provided.

XLVIII. Provided and enacted, with regard to works executed under this Act, so far as relates to the reimbursement to the occupier of any costs by him paid in respect thereof, That, unless there be some covenant or agreement to the contrary between the parties, it shall be lawful for such occupier and he is hereby entitled to deduct from the rents due or becoming due from him to his lessor or landlord the amount of any such costs, charges, and expenses payable by his lessor or landlord, and the costs, charges, and expenses of any distress and sale made on him through the default of his lessor or landlord; and that the receipt for such payment shall be a sufficient discharge to any occupier for so much money as he shall have so paid, or which shall have been so levied on his goods and chattels in pursuance of this Act, and shall be allowed by such lessor or landlord in part or full payment (as the case may be) of the rent due to him by such occupier.

XLIX. With regard to the costs and all other expenses of pulling down, securing, repairing, and rebuilding party structures, or other parts of buildings, according to the provisions of this Act, so far as relates to the recovery thereof amongst the several owners of the premises, That when such costs and expenses shall have been ascertained and paid by the owner upon whom the payment thereof shall have first fallen, then, as to any building or tenement held under any lease or agreement for a lease, or other agreement for the occupation thereof, made before the coming into operation of this Act, it shall be lawful for such owner and he is hereby entitled to recover the same from the persons now bound or liable by law or by any existing contract

to maintain and repair such buildings in respect of which such costs and expenses shall have been incurred; but if any dispute or difference arise as to the persons so bound or liable, then every such dispute or difference shall be referred to the official referees; and that thereupon such official referees shall ascertain and determine the persons bound or liable to pay such costs and expenses, and also in what proportions such costs and expenses are to be paid by the parties liable to pay the same, and their decision shall be final; and that as to any building or tenement to be held under any lease or agreement for a lease or other agreement for the occupation thereof, made after the coming into operation of this Act, except a lease renewable for ever on a fixed fine or other customary payment, all such costs and expenses shall be charged upon the lessor granting such lease or making such agreement, and not upon any lessee or sub-lessee holding under any such lease or agreement, subject, nevertheless, to any express covenant or agreement made between any such lessor and lessee in that behalf; and in case of such excepted lease such costs and expenses shall be charged upon the lessee instead of the lessor, subject, as aforesaid, to any express covenant or agreement in that behalf between any such lessee and his sub-lessee holding under such lease upon other than a fixed fine or customary payment as aforesaid; and that in default of such costs and expenses being duly paid it shall be lawful for the party to whom the same shall be payable and he is hereby entitled to receive from the occupier thereof the rents and profits of such building or tenement, and for that purpose to give notice to such occupier to pay over to him such rents and profits; and that thereupon, if such occupier fail to pay such rents and profits accordingly, then it shall be lawful for the person to whom such costs and expenses shall be payable to recover the same from such occupier by the summary proceeding hereby provided, in such proportions and at such times as shall be appointed by the award of the said official referees in that behalf; and that after such notice shall be given, and before such costs and expenses shall be paid, it shall not be lawful for any person otherwise entitled to receive such rents and profits and he is hereby disabled from bringing any action, and from taking any proceeding at law or in equity to recover such rents and profits: Provided always, that if on the hearing of the application for the warrant to levy such costs and expenses by distress, according to the provision of this Act in that behalf, the occupier, not being an owner, shew that he is not bound to pay in respect of such building or tenement any rent or profit, or that the amount of the rent or profit payable by him is not sufficient, then it shall not be lawful to issue such warrant, if there be no rent due or accruing, or, if there be rent due or accruing, then to the extent only of the amount of such rent; and that if such costs and expenses or any part thereof remain unpaid, and if the same or any future occupier be or become liable to pay rent in respect of such building or tenement, then, from time to time until the same be paid, it shall be lawful to levy the same by distress, according to the provisions of this Act in that behalf, upon the same or any such future occupier.

L. With regard to such costs and expenses of works executed under this Act, so far as relates to contribution thereto by persons bound or liable to make contribution, That for the purpose of enabling the party upon whom the payment of such costs and expenses shall fall, either in the first instance or subsequently, to obtain contribution from other persons, being owners according to the meaning of this Act, in like degree, and so bound or liable to make contribution, it shall be lawful for every such first-mentioned person, whether he be freeholder, copyholder, leaseholder, mortgagee in possession, and whatever may be his interest, or the nature and extent of such his interest, and whether he hold in his own right or in right of others, and whatever may be the kinds and degrees of their respective interests, and he is hereby entitled to a contribution from every other person having as owner an interest in the premises, of whatever kind or degree, which contribution is to be computed according to the amount of his interest in proportion to that of other persons interested, so far as such persons may be known, or can be reached by process of any court of law or equity; and that it shall be lawful for any party so interested and he is hereby entitled to require the official referees to settle and determine the same by their award, and their decision shall be final; and that if the person upon whom the payment of such costs and expenses shall have fallen have paid in respect of the interest of another or others, either unknown or who could not be reached by process of any court of law or equity, more than his own just proportion, then, on the production of such award, duly made, signed, and sealed, it shall be lawful for such person to have and exercise against other parties against whom such award shall be made and he is hereby entitled to the like remedies to compel payment of money as are hereby given for compelling the first payment of such costs and charges of such expenses.

LI. And for the purpose of facilitating the improvement of the drainage of houses, it is enacted, with regard to the drains, cesspools, and privies to buildings hereafter built, so far as relates to the making thereof, That from the passing of this Act all the conditions, regulations, and directions contained in the Schedule (H.) to this Act annexed shall be duly observed and performed; and that if any person offend in respect thereof he shall be liable to all the penalties and forfeitures by this Act imposed in respect of any buildings either built contrary thereto, or without due notice to the surveyor appointed in pursuance of this Act to inspect such buildings: Provided always, with regard to such drains, so far as relates to the communication thereof with the sewers under the jurisdiction of the Commissioners of Sewers, that unless the regulations of such Commissioners now or hereafter in force be repugnant to the directions contained in such Schedule, and to the extent to which such regulations are not so repugnant, it shall be the duty of every person and he is hereby required to make such drains to conform to such regulations; and that with regard to such drains, except so far as is hereby otherwise provided, all the rights, powers, jurisdiction and authority vested in any such Commissioners shall be as valid and effectual as if this Act had not been passed.

LII. And for the purpose of making provision concerning streets and other ways of the metropolis, it is enacted, with regard to such streets and other ways hereafter formed, so far as relates to securing a sufficient width thereof, That from the passing of this Act all the conditions, regulations, and directions contained in the Schedule (I.) to this Act annexed shall be duly observed and performed; and that if any person offend in respect thereof he shall be liable to all the penalties and forfeitures by this Act imposed in respect of any buildings, either built contrary thereto, or without due notice to the surveyor appointed in pursuance of this Act to inspect such buildings.

LIII. And for the purpose of discouraging and prohibiting the use of buildings unfit for dwellings, it is enacted, with regard to every building of the first or dwelling house class, whether already or hereafter built, so far as relates to the occupation thereof, or to the occupation of any underground room or cellar thereof, That from and after the 1st of July 1846 it shall not be lawful to let separately to hire as a dwelling any such room or cellar not constructed according to the rules specified in the Schedule (K.) to this Act annexed, nor to occupy or suffer it to be occupied as such, nor to let, hire, occupy, or suffer to be

occupied any such room or cellar built underground for any purpose (except for a wareroom or storeroom); and that if any person wilfully let or suffer to be occupied in manner aforesaid any underground cellar or room, contrary to the provisions of this Act, then, on conviction thereof before two Justices of the Peace, such person shall be liable to forfeit for every day during which such cellar or room shall be so occupied a sum not exceeding 20s.; and one-half of such penalty shall go to the person who shall sue for the same, and the other half to the poor of the parish in which such unlawfully occupied cellar or room shall be situate; and that on or before the 1st of January 1845, it shall be the duty of the overseers of the poor and they are hereby required to report to the official referees the number and situation of the dwellings within their respective parishes of which any underground room or cellar shall be so occupied, and that thereupon it shall be the duty of the official referees and they are hereby empowered to direct such notice to be given to the owners and occupiers of such dwellings as shall appear to such official referees to be best calculated to give to such owners or occupiers full knowledge of the existence, nature, and consequences of this enactment; and that it shall be the duty of the district surveyors and they are hereby required to give full effect to the directions of such official referees in this behalf.

LIV. And, for the purpose of making provision concerning businesses dangerous in respect of fire or explosion, it is enacted, with regard to the following businesses, (that is to say,) the manufacture of gunpowder or of detonating powder, or of matches ignitable by friction or otherwise, or other substances liable to sudden explosion, inflammation, or ignition, or of vitriol, or of turpentine, or of naphtha, or of varnish, or of fireworks, or painted table covers, and any other manufacture dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion, so far as relates to the erection of buildings in the neighbourhood of the place where any such business is carried on, and so far as relates to the carrying on of any such business in the neighbourhood of public ways or buildings, That it shall not be lawful hereafter to erect any building of any class nearer than fifty feet from any building which shall be in use for any such dangerous business; but if a building already existing within fifty feet from any such building be hereafter pulled down, burnt, or destroyed by tempest, such building may be rebuilt: and that it shall not be lawful for any person to establish or newly carry on any such business, either in any building or vault or in the open air, at a less distance than forty feet from any public way, or than fifty feet from any other building, or any vacant ground belonging to any other person than his landlord; and that if any such business be now carried on in any situation within such distances, then from the expiration of the period of twenty years next after the passing of this Act it shall not be lawful to continue to carry on such business in such situations; and that if any person erect any building in the neighbourhood of any such business contrary to this Act, then, on conviction thereof before two Justices, he shall forfeit a sum not exceeding 50*l.* for every day during which such building shall so remain near to such dangerous business; or if any person establish anew any such business, or carry on any such business contrary to this Act, then, on conviction thereof before two Justices, such person shall be liable to forfeit for every day during which such business shall be so carried on a sum not exceeding 50*l.*, as the said Justices shall determine, and that it shall be lawful for the Justices also to award to the prosecutor such costs as shall be deemed reasonable; and that if the offender either fail or refuse to pay such penalty and costs immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted; or if there be no such distress, then such person shall be committed to the common gaol or house of correction for any time not exceeding six months, at the discretion of such Justices, and that by warrant under the hands and seals of two or more Justices of the Peace.

LV. And, for the purpose of making provision concerning businesses offensive or noxious, it is enacted, with regard to the following businesses, that is to say,

Blood-boiler,

Bone-boiler,

Fellmonger,

Slaughterer of Cattle, Sheep, or Horses,

Soap-boiler,

Tallow-melter,

Tripe-boiler,

and any other like business offensive or noxious, so far as relates to the erection of buildings in the neighbourhood of any such business, and so far as relates to the carrying on of any such business in the neighbourhood of any public way, or of other buildings of the first or dwelling-house class, That it shall not be lawful hereafter to erect any buildings of the first or dwelling-house class nearer to than fifty feet from any building which shall be in use for any such offensive or noxious business; but if a building already existing within fifty feet be hereafter burnt, pulled down, or destroyed by tempest, such building may be rebuilt; and that it shall not be lawful for any person to establish or newly carry on any such business, either in any building or vault or in the open air, at a less distance than forty feet from any public way, or than fifty feet from any other such buildings of the first or dwelling-house class; and that if any such business be now carried on in any situation within such distances, then, from the expiration of the period of thirty years next after the passing of this Act, it shall cease to be lawful to continue to carry on such business in such situation, save as is hereinafter provided; and that if any person erect any building in the neighbourhood of any such business contrary to this Act, then, on conviction thereof before two Justices, he shall forfeit a sum not exceeding 50*l.* for every day during which such building shall remain near to such offensive or noxious business; or if any person establish anew any such business, or carry on any such business contrary to this Act, then, on conviction thereof before two Justices, such person is hereby made liable to forfeit for every day during which such business shall be carried on a sum not exceeding 50*l.*, as the said Justices shall determine, and that it shall be lawful for the Justices also to award to the prosecutor such costs as shall be deemed reasonable; and that if the offender either fail or refuse to pay such penalty and costs immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted; or if there be no such distress, then such person shall be committed to the common gaol or house of correction for any time not exceeding six months, at the discretion of such Justices, and that by warrant under the hands and seals of two or more Justices of the Peace.

LVI. Provided and enacted, with regard to any such offensive or noxious business, whether such business be now carried on at a less distance than forty feet from any public way, or than fifty feet from any other building, or be hereafter carried on at a greater distance, yet so as to cause danger or annoyance, so far as relates to the mitigation of any penalty or punishment for unlawfully carrying on thereof, That every such penalty hereinbefore imposed shall be enforceable only at a special session of the peace summoned for that purpose, or on an appeal as hereinafter provided, or on a trial as hereinafter provided; and that,

notwithstanding the said term of thirty years shall have expired, if any party charged with carrying on such business shew that in carrying on such business all the means then known to be available for mitigating the effect of such business in any such respect have been adopted, then it shall be lawful for such Justices to receive evidence thereof, and according to such evidence to mitigate the penalty as to them shall seem fit: Provided further, with regard to such offensive or noxious business, so far as relates to the adoption of means to mitigate the injurious effects thereof, that, notwithstanding the said period of thirty years shall have expired, if it shall appear to the Justices, whether at petty sessions as aforesaid, or on appeal, or on trial by jury, as hereinafter provided, that the party carrying on any such business shall have made due endeavours to carry on the same with a view to mitigate, so far as possible, the effects of such business, then, although he hath not adopted all or the best means available for the purpose, yet it shall be lawful for such Justices assembled and they are hereby empowered to suspend the execution of their order or determination, upon condition that within a reasonable time, to be named, the party convicted do adopt such other or better means as to the said Justices shall seem fit, or before passing final sentence, and without consulting the prosecutor, to make such order touching the carrying on of such business as shall be by the said Court thought expedient for preventing the nuisance in future: Provided always, that if the matter in respect of which such penalty shall be incurred come before any superior court it shall be lawful for such Court to exercise such power of mitigating such penalty, or of suspending the execution of any judgment, order, or determination in the matter, or to make such order touching the carrying on of such business, as to the Court shall seem fit in the case.

LXVII. With regard to any business offensive, noxious, or dangerous, and with regard to any building erected or continued within any such distance as aforesaid from any such business dangerous, noxious, or offensive, so far as relates to a conviction in respect of any such business, and to an appeal from such conviction, That if any person be dissatisfied with the decision of such Justices, and if, within four days after such decision, notice be given to the party appealed against, by or on behalf of such person, of his intention to appeal, and if he enter into a recognizance, with two sufficient securities, conditioned to try such appeal, and to abide the order of the Court, and pay to the party appealed against such costs (if any) as shall be awarded against him, then it shall be lawful for such party so dissatisfied to appeal against such conviction to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden within four months after such conviction for the place in which such premises shall be situate; and that if the premises be situate within the city of London and liberties thereof, then the appeal must be to the Quarter Sessions thereof, or if the premises be situate in the counties of Middlesex, Kent, or Surrey, or in the city and liberties of Westminster, or in the liberties of Her Majesty's Tower of London, then to the Quarter Sessions thereof respectively, as the case shall be; and that if within the above-mentioned period such appellant shall have entered into such recognizance as herein required, and if within one month thereafter he give notice of the grounds of such appeal, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine on oath into the causes and matters of such appeal (which oath they are hereby empowered to administer), and to determine the same, and to award such costs to be paid by the said parties as they think proper; and the order, judgment, and determination of the said Justices in their respective sessions shall be binding and conclusive upon all parties.

LXVIII. Provided and enacted, That if before conviction by two such Justices the party complained against desire to have the matter tried by a jury, and enter into a recognizance to try such matter without delay, and to pay all costs of a trial if a verdict be found against him, then such matter may be tried at the next practicable Court of Quarter Sessions, or whenever the Court shall appoint; and that thereupon, or on the application of such party, it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and required to issue their warrant or precept to the sheriff or other proper officer (as the case may be), requiring him to return a competent number of persons qualified to serve on juries according to the provisions of an Act, 6 Geo. 4. c. 50, "for consolidating and amending the Laws relative to Jurors and Juries;" and that it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and empowered, by precept, from time to time as occasion may require, to call before them respectively every person who shall be thought proper or necessary to be examined as a witness before them on oath concerning the premises; and that if the said Court think fit it shall be lawful for them and they are hereby empowered to authorize the said jury to view the place in question in such manner as they shall direct, and to command the attendance of such jury, and of all such witnesses and parties as shall be necessary or proper, until such affairs for which they are summoned shall be concluded; and that the said jury shall inquire and try, and determine by their verdict, whether the business in question be offensive or noxious, and whether the party in question have done any act whereby the penalty hereby imposed in respect thereof has been incurred; and that, subject to the power hereinbefore conferred of mitigating such penalty, or suspending their judgment, order, or determination thereon, or making such order touching the carrying on of the business aforesaid, the said Court of Quarter Sessions shall give judgment according to such verdict, and shall award the penalty (if any) incurred by the defendant, and shall and may (if they see fit) award to either of the parties such costs as they may deem reasonable; which verdict, and the judgment, award, order, or determination thereupon, shall be binding and conclusive.

LXIX. With regard to any appeal in respect of a conviction for carrying on any such dangerous, offensive, or noxious business, so far as relates to the place where such appeal is to be heard, That if the appeal be to the General Quarter Sessions of the Peace for the county of Surrey or the county of Kent, then the jury (if any) to be impanelled in pursuance of this Act, and all parties required to attend the quarter sessions for the said counties pursuant to such application, shall be impanelled and required to attend at some general or special adjournment of the said Quarter Sessions to be held within six weeks next after the original sessions; and that if the matter relate to the county of Surrey, then such adjournment shall be to some convenient place in the borough of Southwark in the said county; and that if the matter relate to the county of Kent, then such adjournment shall be to some convenient place in the borough of Greenwich in the said county; and such times and places shall be appointed by the Justices of the said counties respectively assembled at such original sessions; and that from time to time every further meeting of the said sessions, for any thing to be done upon such application, shall be appointed at or within the space of three weeks from the last meeting; and that from time to time it shall be lawful for the Justices of the Peace for the said counties of Surrey and Kent respectively, and they respectively are hereby empowered and required, to make such adjournment and hold such sessions as there shall be occasion.

LX. Provided and declared, with regard to any business which is contrary to any existing Act of Parliament or otherwise

contrary to law, so far as relates to the operation of this Act in that behalf, That, notwithstanding anything in this Act contained, this Act shall not be deemed to authorize any person to carry on any such business either within such limits or otherwise, or any business which it is unlawful to carry on within any limits or in any manner contrary to any public, local, or private Act of Parliament, or otherwise contrary to law; nor to affect, abridge, or restrain the right, the duty, or the power of any person, whether private person or public officer, to prosecute, either civilly or criminally, any person who shall carry on within the limits of this Act any offensive, noxious, or dangerous business.

LXI. And further for the regulation or removal of any offensive, noxious, or dangerous business now carried on, it is enacted, with regard to any such business, so far as relates to the purchase thereof, or of the premises wherein it shall be carried on, That if two-thirds in number of the inhabitant householders of any parish in which such business shall be carried on present a memorial to Her Majesty in Council, stating the existence of such offensive, noxious, or dangerous business in such parish or the neighbourhood thereof, and praying the removal of such business therefrom, and thereby engaging to provide compensation to the persons carrying on the same, either at the expense of the memorialists, or by means of a rate to be levied on the inhabitants of the said parish, or such part thereof as may be affected by such business, then it shall be lawful for Her Majesty to refer the matter to the Lords of the Committee of Privy Council for Trade to consider the character of such business, whether it be offensive, noxious, or dangerous; and if it appear to be so, and that there are no means of rendering it otherwise by the adoption of methods available, without unreasonable sacrifice on the part of the person by whom it is carried on, then it shall be lawful for Her Majesty, by Order in Council, to direct that the removal of such business may be purchased, either at the expense of the memorialists or by means of a rate as aforesaid, as to Her Majesty shall seem fit, and also to direct the sheriff of the county or other proper person in the parish or liberty in which such business is carried on to summon a jury, according to the provisions of an Act, 4 & 5 Vict. c. 12, intituled 'An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry-street to Long Acre, and for other Improvements in the Metropolis,' to determine what compensation shall be paid to the party carrying on such business for the removal thereof, and to the owner and occupier of the premises for the restriction of the use of his buildings for such purpose; and that if within three months after the verdict of such jury shall be given, and judgment thereon, the inhabitants of such parish or neighbourhood pay or tender such compensation, then within three months from the payment or tender of such compensation, it shall cease to be lawful for the party carrying on such business to continue the same, and for any owner or occupier thereof either to carry on or to permit to be carried on such business in the same or any part of the same premises.

LXII. With regard to the funds for defraying such compensation, so far as relates to the raising thereof, That if Her Majesty shall by such order direct the compensation to be paid by means of a rate, then it shall be lawful for the overseers of the parish to raise such sum as shall be necessary, either as a separate rate in the nature of poor's rate, or as part of the poor's rate, on the inhabitants at large of such parish; or if in pursuance of the memorial of the inhabitants of such part of the said parish as shall be affected by the said business it be appointed by such Order in Council that such last-mentioned inhabitants do defray such compensation, then it shall be lawful for the said overseers to raise such sum as shall be necessary for that purpose; and that if such rate be so levied either on the inhabitants at large of such parish, or on the inhabitants of such part thereof as aforesaid, then such rate may be levied and recovered as poor's rates are leviable and recoverable.

LXIII. Provided and enacted, with regard to public gas works and other works heretofore established within the limits of this Act, so far as relates to the operation of the provisions of this Act in reference to businesses dangerous in respect of fire or explosion, or offensive or noxious, That such provisions shall not be deemed to apply to any such public gas works; and that if by any Act of Parliament now in force relating to gas companies to which such works belong any extension of such works, or any additional works, or any other works, be authorized to be erected or substituted, then such provisions shall not be deemed to apply to any such extension, addition, or substitution within the limits of the district now lighted from such first-mentioned works; and that such provisions shall not be deemed to apply to any premises entered or used for the purpose of distillation or the rectification of spirits under the survey of the Commissioners of Excise or their officers.

LXIV. And for the purpose of dividing the district to which this Act is to apply into several smaller districts, for the convenient execution therein of this Act, and for appointing competent surveyors for superintending the same in each such district, and for regulating the duties of their office, it is enacted, with regard to such districts, so far as relates to the appointment and alteration thereof, That at any time after this Act shall come into operation, and from time to time, it shall be lawful for the Lord Mayor and aldermen of the city of London, with reference to the city of London and the liberties thereof, and for the Justices of the Peace for the county of Middlesex, the county of Surrey, the county of Kent, the city and liberties of Westminster, and the liberty of Her Majesty's Tower of London, in their General Quarter Sessions respectively, or any adjournment thereof, with reference to their respective counties, city, and liberties, and they respectively are hereby empowered, but subject, nevertheless, to the consent of one of Her Majesty's principal Secretaries of State, to appoint the districts to which the respective places within their jurisdiction shall belong for the purposes of this Act, and to unite, enlarge, and alter such districts for the more convenient distribution of the business.

LXV. With regard to the surveyors to be assigned to such districts for the purposes of this Act, so far as relates to their appointment, That at any time after this Act shall come into operation, and from time to time, it shall be lawful for the said Lord Mayor and aldermen of the city of London, with reference to the city of London and the liberties thereof, and for the said Justices of the Peace in their General Quarter Sessions respectively, or any adjournment thereof, with reference to their respective counties, and they are hereby required, but subject, nevertheless, to the consent of one of Her Majesty's principal Secretaries of State, to nominate and appoint as surveyors such and so many discreet persons, of the full age of thirty years, and properly educated and skilled in the art and practice of building, as they the said Lord Mayor and aldermen and the said Justices shall think fit.

LXVI. With regard to such surveyors to be hereafter appointed under this Act, except present district surveyors appointed to new districts, so far as relates to the ensuring the possession of due scientific and practical qualifications, That it shall be lawful for the Commissioners of Works and Buildings, and they are hereby empowered to appoint three or more architects,

surveyors, or builders to examine, together with the said official referees, any persons who may present themselves to be examined for the purpose of obtaining a certificate of qualification, with the view of becoming candidates for the office of surveyors of metropolitan buildings of any district within the limits of this Act; and that for that purpose it shall be lawful for such examiners from time to time to appoint such times as to them may seem fit, and from time to time to prescribe such course of examination as to them may seem fit, and to make any other rules for the regulation of such examination, and the granting of certificates in respect thereof, subject, nevertheless, to the approval of the Commissioners of Works and Buildings; and that when such rules shall have been registered by the registrar of metropolitan buildings they shall continue to be in force until they shall be amended, altered, or rescinded by other rules to be made by such examiners and so registered as aforesaid; and that unless, one week before the election of a surveyor for any district created by this Act, or for any district in respect of which the office of surveyor may become vacant, there be produced by or on the part of any person being candidate for the said office, a certificate of such examiners, certifying that he has been examined, and that he was thereby found to be duly qualified for such office, to the town clerk of the city of London, or to the clerk of the peace for the county, city, or liberty, it shall not be lawful for any Justices by this Act empowered to appoint surveyors to appoint such person to be such surveyor, and that if such person be so appointed his election to such office shall be void.

LXVII. With regard to such surveyors, so far as relates to the tenure of their office, That it shall be lawful for every such surveyor and he is hereby entitled to hold such his office of surveyor during the pleasure only of the said Lord Mayor and aldermen and of the said Justices respectively.

LXVIII. With regard to such surveyors, so far as relates to their functions generally, That it shall be the duty of every such surveyor, and he is hereby required,—

To see that all the rules and directions of the Act are well and truly observed in and throughout his district; and for that purpose,

To proceed from time to time, in due course, upon the receipt of any notice, or if from ignorance or neglect, or from any other circumstance, notice of any work intended to be done have not been given, then upon such work being observed by or being made known to him, to inspect the works intended to be done, or which shall have been commenced, and to cause all the rules and directions of this Act in respect thereof to be strictly observed; and also

To attend and perform every thing required of him by this Act, whether with or without notice; and also

To inspect ruinous buildings and projections in danger, at all times when needful, and to take all necessary measures thereupon; and also

To survey all buildings built, rebuilt, enlarged, or altered by or under the superintendence of a district surveyor within any other district to which he shall be appointed by the official referees for that purpose; and also

To cause a book for registering all notices, informations, and complaints to be at all times kept at his office, and to enter in such book every notice, information, or complaint which shall be delivered or made to him, and any proceeding thereon by him taken.

LXIX. With regard to such surveyors, so far as relates to their disqualifications, that during the time that any such person shall act as a Justice of the Peace for the county in which his district shall be situated it shall not be lawful for him and he is hereby disqualified from holding the office of a surveyor or of deputy or an assistant surveyor for any district under this Act.

LXX. With regard to the surveyors who at the time of this Act coming into operation shall have been appointed under the Act, 14 Geo. 3. c. 78, mentioned in the Schedule (A.) hereto annexed, so far as relates to their continuance in office, and the application of this Act to them, that until they shall be removed it shall be lawful for them and they are hereby entitled to continue to be the surveyors for the purposes of this Act, and for the districts assigned to them at the time this Act shall come into operation, but subject to such alteration of such districts as may be made by virtue of any power in that behalf, and to act in all respects as if they had been appointed under this Act; and that every provision in this Act applicable to district surveyors, so far as relates to the exercise of the office of surveyor, and to their remuneration in that behalf, shall apply to them.

LXXI. With regard to every surveyor hereafter appointed, so far as relates to making a declaration of official fidelity, that before any such surveyor shall act in pursuance of this Act it shall be his duty and he is hereby required to make a declaration of official fidelity, which must be administered by the said Lord Mayor and aldermen in their court of aldermen, or by the said Justices of the Peace in their respective General Quarter Sessions, and must be in the form or to the effect following: that is to say,

‘I A. B., being One of the Surveyors appointed in pursuance of an Act made and passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, intituled ‘An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood,’ and commonly called the Metropolitan Buildings Act, do solemnly declare, That I will diligently, faithfully, and impartially perform the Duties of my Office, and to the utmost of my Power, Skill, and Ability endeavour to cause the several Provisions of the said Act to be strictly observed, and that without Favour or Affection, Prejudice or Malice, to any person whomsoever.’

And that if before making such declaration any such surveyor act in pursuance of this Act, then on conviction thereof he shall be liable to pay, for every day during which he shall so act before making such declaration, the sum of 5*l*.

LXXII. With regard to the surveyors, so far as relates to the regulation of their official duties, that it shall be the duty of every surveyor for the city of London and the liberties thereof, and he is hereby required, to have an office at his own expense, in such public situation as shall be approved by the Lord Mayor and aldermen; and that it shall be the duty of every other surveyor and he is hereby required to have an office, at his own expense, in some central part of the district to which he shall be appointed, as shall be approved by the Justices of the Peace in Quarter Sessions within whose jurisdiction he shall act; and that it shall be the duty of every such surveyor and he is hereby required, by himself or by some other person in his behalf, to attend at his office every day (Sundays, Christmas Day, and Good Friday excepted) from ten of the clock

in the morning till four of the clock in the afternoon; and that immediately upon his appointment, and from time to time upon every change of his residence or of his place of business, or oftener if required, it shall be the duty of every surveyor and he is hereby required to make a return to the registrar of metropolitan buildings, and to the overseers of the poor of every parish or place within his district, of his name and place of abode, and the place where such office shall be.

LXXXIII. With regard to such surveyor, so far as relates to the appointment of a deputy or substitute in certain cases, that if any surveyor shall be prevented by illness or any other unavoidable circumstances from attending to the duties of his office, then forthwith it shall be his duty and he is hereby required, but subject to the previous consent and approval of the official referees, to appoint some other surveyor, duly qualified as aforesaid, as his deputy, to perform all such his duties for so long a time as he shall be so prevented from executing them; and that thereupon, during such time as aforesaid, it shall be the duty of such deputy surveyor and he is hereby required to perform all the duties of such surveyor, and that in all respects as if he were the surveyor appointed or confirmed under this Act; and that it shall be lawful for such deputy surveyor and he is hereby entitled to receive the fees payable in respect of the services so performed by him in such district.

LXXXIV. With regard to such surveyors, so far as relates to the filling up of vacancies, that if any vacancy shall happen through the death or removal of any surveyor, then, within one month thereafter, it shall be the duty of the Lord Mayor and aldermen, or of the Justices of the Peace in General Quarter Sessions or any adjournment thereof, as aforesaid, and they are hereby respectively required, to appoint a successor as herein directed; and that in the meantime it shall be lawful for the official referees to direct the surveyor of any one or more of the other districts to perform the duties of surveyor for the vacant district, or if no district surveyor can be spared from his own district to appoint some other competent person duly qualified as aforesaid for that purpose; and that every such surveyor is hereby entitled to receive the fees payable in respect of the services so performed by him in such vacant district.

LXXXV. With regard to the surveyors, so far as relates to the regulation of their business, that if it shall appear to the official referees that the district appointed for any surveyor is too extensive for the prompt discharge of his functions, then it shall be their duty to represent such their opinion to the Lord Mayor and aldermen of the city of London, or to the Justices of the Peace with whom the appointment of a surveyor for that district may rest, and for that purpose to transmit with their letter of representation a transcript of their "Register of Notices," with the results; and that if at any time it appear to such official referees that on account of the pressure of business in any district, or on any other account, the surveyor of that district cannot discharge his duties promptly as regards the builders and others engaged in building operations, and efficiently as regards the purposes of this Act, then it shall be lawful for such official referees and they are hereby empowered to appoint any other district surveyor to assist the surveyor of such district in the performance of his duties, or if no district surveyor can be spared from his own district, then to appoint some other competent person to give such assistance; and that with regard to all buildings surveyed by such assistant surveyor, and all other acts done by him, it shall be the duty of such assistant surveyor to make returns and to act in all respects as if he had been appointed by the said Lord Mayor and aldermen, or by the said Justices, to be the surveyor of such district; and that every such person shall be entitled to receive the fees payable in respect of the services so performed by him.

LXXXVI. With regard to such surveyors, so far as relates to the supervision of buildings built, rebuilt, enlarged, or altered, by or under their professional superintendence, that it shall not be lawful for any such surveyor to survey any such building for the purposes of this Act, but that such building must be surveyed by another district surveyor, or by another surveyor to be appointed by the official referees for that purpose.

LXXXVII. With regard to such surveyors, so far as relates to their remuneration, That upon the expiration of one month after the roof of any building erected and surveyed under this Act shall have been covered in, and all the walls thereof have been built to their full heights, and the principal timbers and floors shall have been fixed in their places, and upon the expiration of fourteen days after the completion of any addition, alteration, and repair, and upon the expiration of fourteen days after each special service shall have been performed, and upon delivering to the owner of the building an account of the fees incurred, and upon tendering a receipt, signed with his christian and surname, and stating the amount of such account, and the work done, it shall be lawful for the surveyor and he is hereby entitled to receive from the builder, or from the owner or from the occupier of the building, for his time and trouble and expenses in causing the rules, regulations, and directions of this Act to be observed, the several fees specified in the Schedule of Fees (L.) hereunto annexed; and that if on tender of such receipt any builder, owner, or occupier who shall become liable to pay any such fee shall refuse to pay the same, then, upon application to any Justice of the Peace, it shall be lawful for such Justice and he is hereby required to summon the party complained of in the first instance, and if he do not appear, or if he fail to satisfy the said Justices as to the refusal of payment as aforesaid, it shall be lawful for such Justice and he is hereby required to issue his warrant to levy the amount of such fee by distress and sale of the goods and chattels of the party so refusing, in like manner as poor's rates are by law recoverable, and if such fee be paid by the occupier he shall be entitled to recover the amount thereof from the owner: Provided always, that if the work in respect of which such fee shall become payable have not been done in every respect agreeably to the directions of this Act, then it shall not be lawful for any surveyor to receive such fee; and that if he shall so receive it, then, upon application to the official referees by any party interested in the building in respect of which such work shall have been executed, and upon its appearing that such fee has been received wrongfully, it shall be lawful for such official referees and they are hereby authorized (if they think fit) to order the said surveyor to refund such fees.

LXXXVIII. With regard to such surveyors, so far as relates to a return of the business done by them, and to the inspection thereof, That within seven days after the first day of every month it shall be the duty of every surveyor, and he is hereby required to make a return to the registrar of metropolitan buildings, enumerating therein the number and nature of all the several works executed within the previous month under his supervision, and the fees paid to him for the same, and also a copy of the list or register of notices served upon him, with the results thereof, and to keep in his office a copy of such return; and that if any person shall apply to inspect the same, then on the payment of one shilling it shall be open for inspection at

all reasonable times; and with regard to such return, so far as relates to the authentication and effect thereof, that every such return must be signed by such surveyor, and if so signed it shall be deemed to be a certificate that all the works enumerated therein have been done in all respects agreeably to this Act, according to the best of his knowledge and belief, and that they have been duly surveyed by him; but no such return shall be any protection from or hindrance to any future proceedings in respect of works not executed according to the provisions of this Act, though the same may have been done before the making of such return.

LXXIX. With regard to every surveyor, so far as relates to the discharge of his duties, That if any surveyor demand or wilfully receive any higher fee than he shall be entitled to under this Act, or if in his capacity of surveyor he receive a fee for any act or omission in respect of which he is not entitled to receive any remuneration, or if he refuse to refund any fee wrongfully received by him in respect whereof the official referees shall have made an order to that effect, or if at any time he wilfully neglect his duty, or behave himself negligently or unfaithfully in the discharge thereof, then and in every or any such case it shall be lawful for any person to present a complaint in writing under his hand to the Lord Mayor and aldermen of the city of London, or the Court of Quarter Sessions having jurisdiction over the district for which such surveyor shall act for the time being, at any sessions of the peace, quarter or general, either original, intermediate, or adjourned, and which complaint shall set forth the nature and particulars of the offence charged by the complainant against any such surveyor; and that the said Lord Mayor and aldermen or court of sessions, as the case may be, shall by order of court appoint a time for the hearing of the said complaint, and a copy of which order and of the said complaint shall be served by or for the said complainant on the said surveyor ten days at the least before the time appointed for the hearing of such complaint; and the said surveyor shall appear before the said Lord Mayor and aldermen or court of sessions, as the case may be, at the time and place so appointed for hearing the said complaint, to answer the same; and that if, upon the hearing of the complainant and of the surveyor, and the evidence respectively produced by or for them, it shall appear unto the said Lord Mayor and aldermen or court of sessions, as the case may be, that such complaint in whole or in part is well founded, then it shall be lawful for the said Lord Mayor and aldermen, or the said court of quarter sessions, as the case may be, and they are hereby respectively required, either to fine such surveyor in such sum of money not exceeding 50*l.* as they shall think fit, or to discharge him forthwith from his said office; and that if for any such cause such surveyor be discharged, he shall be incapable of being again appointed a surveyor for the purposes of this Act.

LXXX. And for the purpose of providing for the appointment of competent official referees to superintend the execution of this Act throughout all the districts to which it is applicable, and also to determine sundry matters in question incident thereto, as well as to exercise, in certain cases, a discretion in the relaxation of the fixed rules and directions of this Act, where the strict observance thereof is impracticable, or would defeat the object of this Act, or would needlessly affect with injury the course and operation of this branch of business, it is enacted, with regard to the official referees, so far as relates to their appointment, to their qualifications, and to the tenure of their office, That it shall be lawful for one of Her Majesty's principal Secretaries of State and he is hereby empowered to appoint two persons, being of the profession of an architect or surveyor, to be official referees of metropolitan buildings, and from time to time, as he shall think proper, to remove such official referees, and in their place to appoint other persons so qualified; and that while any such person shall so hold the office of official referee it shall not be lawful for such person and he is hereby expressly prohibited to act as surveyor, either alone or with any partner or by an agent, or to act as official referee in the case of any building or matter in which he shall act as architect; and that if an official referee be employed as architect as to any building or matter within the limits of this Act, then it shall be the duty of such official referee and he is hereby required to report thereon to the Commissioners of Works and Buildings; and thereupon it shall be the duty of such Commissioners of Works and Buildings and they are hereby required to appoint some other competent person to act in conjunction with the other official referee as to such building or matter.

LXXXI. With regard to such official referees, so far as relates to their functions generally, That it shall be the duty of such official referees and they are hereby required to superintend the execution of this Act by the several district surveyors already existing or hereby authorized to be appointed, and to perform the several matters to them respectively assigned by the provisions of this Act, and to determine all questions referred to them, whether expressly by this Act or at the instance of any one or more of the parties concerned.

LXXXII. With regard to the official referees, so far as relates to their jurisdiction, That if any doubt, difference, or dissatisfaction in respect of any matter within the limits of this Act arise between any parties concerned, or between any party and any surveyor, or between any two surveyors, as to any act done or to be done in pursuance of this Act, or as to the effect of the provisions thereof in any case, or as to the mode in which the provisions and directions of this Act are or ought to be carried into effect, and particularly as to whether the requirements implied in terms of qualification applied to sites, to soils, to materials, or to workmanship, or otherwise, and denoting good, sound, fire-proof, fit, proper, or sufficient, are fulfilled in certain cases, or as to the district in which any building, matter, or thing is to be deemed to be situate, especially in cases where such building, matter, or thing is partly in one district and partly in another, or as to the expenses to be borne by the respective owners of premises parted by the same party walls, or the proportions thereof, or as to the proportions of the expense to be borne by the occupier or by the owners of premises in respect of any work executed, or any other matter whatever, then it shall be lawful for any party concerned and he is hereby entitled to require the official referees to determine such matter, but so that such requisition be made in writing, and that it set forth, either generally or otherwise, the matters in respect of which the determination of the official referees is required; and that the determination of such referees, or of one of such referees, with the assent of the registrar of metropolitan buildings, as to all or any of the points in difference on which such referees shall make their award, and as to the costs, charges, and expenses of such reference, shall be binding on all parties to such reference.

LXXXIII. With regard to the official referees, so far as relates to their authority in respect of any reference to them, and to the effect of their award upon the rights and interests of the owners and occupiers of property, That it shall be lawful for such

referees and they are hereby empowered to exercise all such powers of arbitrators as they would have had in case they had been appointed under an order of Her Majesty's Court of Queen's Bench at Westminster; and that if such award be given in writing, and be sealed by the official seal of the registrar of metropolitan buildings, it shall be as effectual as if made under an order of reference by such Court, and shall be enforced by the said Court in all respects as if made under an order of such Court; and that it shall be binding and conclusive against every person, including the Queen's Majesty, her heirs and successors, claiming any estate, right, title, trust, use, or interest in, to, or out of the said premises or any part thereof, either in possession, reversion, remainder, or expectancy, and against every other person whomsoever.

LXXXIV. With regard to any reference to the said official referees, so far as relates to the revocation of their authority, That the power and authority of the official referees shall not be revocable by any party to such reference without the consent of all parties thereto; and that although any party shall not attend upon such reference it shall be lawful for such official referees to proceed with the reference, and to make their award.

LXXXV. With regard to such reference, so far as relates to the evidence of any matter thereof, That it shall be lawful for the official referees and they are hereby empowered, by their summons in writing sealed with the seal of office of the registrar of metropolitan buildings, to require the attendance of any person who may be able to give evidence in the matter of any reference to them, and to require by such summons the production of any documents to be mentioned therein, and that if, in addition to the service of such summons, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the official referees before whom the attendance is required, be also served, either together with or after the service of such summons, then, if the party so summoned do not attend in obedience thereto, such party shall be liable to be proceeded against as for a contempt of court; and that every person whose attendance shall be required shall be entitled to the like conduct money and payment of expenses as for and upon attendance at any trial; and that no person shall be compelled to produce under any such summons any writing or other document that he would not be compelled to produce at a trial, or to attend on more than two consecutive days to be named in such summons; and that it shall be lawful for the official referees and they are hereby respectively authorized and required to administer an oath to such witnesses as may come before them, or, in cases where affirmation is allowed by law instead of an oath, to take their affirmation; and that if upon such oath or affirmation any person making the same wilfully and corruptly give false evidence, then every person so offending shall be deemed to be guilty of perjury.

LXXXVI. With regard to such award, so far as relates to the effect thereof as evidence of the matter thereof, That if on the trial or hearing of any cause or matter in any court of law or equity, or elsewhere, any copy of an award, signed and sealed with the seal of the said registrar, be produced, then it shall be the duty of all Judges, Justices, and others, and they are hereby required, to receive the same as *prima facie* evidence of the matters therein contained.

LXXXVII. With regard to the official referees, so far as relates to the declaration of official fidelity, That before any official referee shall act in pursuance of his appointment it shall be his duty and he is hereby required to make the following declaration to be administered by the Chief Baron or any other of the Barons of Her Majesty's Court of Exchequer; that is to say, 'I A. B. do solemnly declare, That I will diligently, faithfully, and impartially execute the Duties of an Official Referee in relation to Matters arising under the Provisions of the Act made and passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, intituled, *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act.'

LXXXVIII. With regard to such official referees, so far as relates to the regulation of the business of their office, That when any matter is by this Act required, directed, or permitted to be done by the official referees the same may be done by either of them, with the assent of the registrar of metropolitan buildings, unless express provision to the contrary be made, and if done by any one of them with such assent it shall be as valid and effectual as if done by both of them; and that, subject to such restrictions and regulations as may be made in that behalf by the Commissioners of Works and Buildings, it shall be lawful for the official referees to appoint one of their number, under their hands and the seal of the registrar of metropolitan buildings, to make any inquiry or any survey which shall appear to them either necessary or expedient in order to enable them to determine any matters in reference.

And for the purpose of duly recording relaxations of the requisitions of this Act, made in pursuance of the provisions hereof in that behalf, and of providing for the revision from time to time both of such relaxations and requisitions, and of providing against the partial exercise of the powers of this Act, and for the more effectually providing for the due recording of the acts of the official referees, and for exercising a due controul thereon:—

It is Enacted,

LXXXIX. That it shall be lawful for the Commissioners of Works and Buildings, and they are hereby authorized and required, to appoint a registrar of metropolitan buildings; and that such registrar shall hold his office during the pleasure of the said Commissioners; and that, subject to the provisions of this Act, it shall be lawful for the said Commissioners to make rules for regulating the execution of the duties of the office of the said registrar; and that it shall be the duty of such registrar to keep a seal, and to affix such seal to all documents made by the said official referees, and required to be sealed, and to keep all the documents and records relating to the business of their office, and to register the same: Provided always, with regard to such registrar, so far as relates to the affixing the seal of office to any document, that if it shall appear to the said registrar that any such documents are contrary to law, or not complete in any of the requisite forms, or beyond the competence of the said official referees, either with regard to the provisions of this Act, or any rules or regulations prescribed for their guidance by the said Commissioners of Works and Buildings, then it shall be the duty of the said registrar to refuse to affix the seal, and that thereafter, if the said official referees shall so require, it shall be his duty and he is hereby required to report the matter, and the particular grounds and reasons for his refusal, to the said Commissioners; and that upon the receipt of such report it shall be lawful for the said Commissioners to authorize the said registrar to affix the seal, or to confirm his

refusal: Provided always, with regard to such office of registrar, so far as relates to the execution of his duties in certain events, that if such registrar be ill, or otherwise unable to discharge the duties of his said office, or if he be absent, then it shall be lawful for the said Commissioners of Works and Buildings to appoint some other person to act temporarily in his behalf, and to assign to such person such part of the remuneration of the said registrar, or otherwise to remunerate him, as the Lords of the Treasury shall appoint in that behalf.

xc. With regard to the registrar, so far as relates to the declaration of official fidelity, That before any registrar shall act in pursuance of his appointment it shall be his duty and he is hereby required to make the following declaration, to be administered by the Chief Baron or any other of the Barons of Her Majesty's Court of Exchequer; that is to say,
 'I A. B. do solemnly declare, That I will diligently, faithfully, and impartially execute the Duties of Registrar in relation to Matters arising under the Provisions of an Act made and passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, intituled, *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act.'

xcI. With regard to such awards, certificate, and other records of the said official referees, so far as relates to the custody and the inspection thereof, That all such awards, certificates, and other documents relating to the business of their office shall be kept in the office of the registrar of metropolitan buildings; and that if, for the purpose of evidence or otherwise, any party require a copy of such award, or certificate, or other document, or to inspect the same, then on payment of the expense thereof, and of such fees as may be appointed in that behalf, it shall be lawful for such party and he is hereby entitled to demand from the registrar an inspection thereof, or a copy thereof or extract therefrom; and that on such payment and demand it shall be the duty of such registrar and he is hereby required to give, under his hand and seal of office, a copy of any such award or any other document to the person so demanding the same.

xcII. With regard to the registrar of metropolitan buildings, so far as relates to his office or place of business, and to the regulation of the business thereof, That it shall be lawful for the Commissioners of Works and Buildings and they are hereby required to appoint, in some central and convenient situation within the city of London or the city of Westminster, an office for carrying on the business of the registrar of metropolitan buildings, and registering all documents relating to such business; and in such office it shall be the duty of such registrar, and he is hereby required,—

To keep a register of all matters referred to the official referees, and otherwise of all matters which shall come under their cognizance in pursuance of this Act; and also

To keep and preserve all documents connected with the duties of official referees; and also

To receive all notices requiring any act to be done by them, and to file and number them in the order in which they are received.

xcIII. With regard to all the awards and certificates, and all documents relating to the business of the official referees, so far as relates to the registration thereof, that the same shall be registered, not only chronologically in the order in which they are received, but according to the subject matters thereof, and also according to the order of and in relation to the provisions of this Act.

xcIV. With regard to such official referees and registrar, so far as relates to their remuneration, That it shall be lawful for Her Majesty to grant to each of such official referees and the said registrar a salary not exceeding 1,000*l.* by the year, in four equal quarterly payments; and that if any such official referee or such registrar shall be appointed, or shall die, resign, or be removed from office, in the interval between two quarterly days of payment, then he shall be entitled to a proportionate part of the salary for the period of such interval during which he shall hold such appointment.

xcv. Provided and enacted, with regard to the said official referees and registrar, so far as relates to their qualifications, That if any person be or become commissioner, receiver, steward, or agent for or on behalf of any owner of houses within the limits of this Act, then such person shall not be eligible to the office either of official referee, or of registrar under this Act; and that if after having been appointed thereto he shall become such commissioner, receiver, steward, or agent, then he shall cease to be qualified to hold such office of official referee or registrar, and thereupon such office shall be vacant, without prejudice, nevertheless, to any acts done by any such person in his capacity of official referee or registrar, so far as other persons are affected thereby.

xcvi. And forasmuch as the services of such official referees and of such registrar will be employed chiefly on behalf of the localities comprised within the limits of this Act, it is expedient to provide for the payment of a portion of their salaries by means of a county rate, or by a rate in the nature of a county rate, on such localities, in proportion to the assessed value of inhabited houses and buildings therein, or as near thereto as may be; now, for that purpose, it is enacted, with regard to such official referees and registrar, so far as relates to the payment of a portion of their salaries out of local funds, That it shall be lawful for the Lord Mayor and aldermen of the city of London and they are hereby required to direct the chamberlain of the said city, and for the Justices of the Peace for the several counties of Middlesex, Surrey, and Kent, and they are hereby respectively required, to direct the treasurer of such respective counties to pay, by two half-yearly payments in the months of June and December in every year, to or into the hands of the cashier of the Commissioners of Works and Buildings, on account of the said official referees and of the said registrar, the several sums of money hereinafter mentioned, as and by way of contribution to such salaries; that is to say,

The city of London and the liberties and the suburbs thereof, the sum of	£ 100
The county of Middlesex	1,000
The county of Surrey	320
The county of Kent	80
	£1,500

And it shall be lawful for the said Justices and they are hereby empowered and required to cause the same to be levied by a rate upon the several parishes and places within the limits of this Act, in such amounts as to such Justices may seem proper, having regard to the assessed value of the inhabited houses and the buildings in such places respectively, in addition to the county rate in respect thereof; and that for the purpose of levying such sums they shall be deemed to be part of the county rate, and leviable by all the ways and means by which a county rate is leviable, and subject in all respects to the legal incidents of a county rate.

XCVII. Further, with regard to the official referees and registrar, so far as relates to the payment of the balance of their salaries, That such balance shall be payable and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

XCVIII. With regard to the fees payable to the registrar, so far as relates to the appointment thereof, and to the application thereof, That from time to time it shall be lawful for the Commissioners of the Treasury to appoint such fees to be paid in respect of the services to be performed by the said official referees or by the said registrar as shall be deemed requisite to defray the expenses of the said office, or incident to such services, and the salaries or other remuneration of any persons employed under the registrar in the execution of this Act, with the sanction of the Commissioners of the Treasury, and which are not otherwise provided for by this Act; and that the balance, if any, shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the receipt of Her Majesty's Exchequer at Westminster; and that it shall be lawful for the Commissioners of the Treasury to regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for; and that it shall be the duty of the registrar and he is hereby required to cause a list of the fees so appointed by virtue of this Act to be fixed up in some conspicuous part of his office.

XCIX. Provided and enacted, with regard to the officers appointed by or by virtue of this Act, so far as relates to the functions, appointment, and tenure of office of such officers, That any appointments to such offices which shall be made by virtue of this Act shall be made subject to any provision that may be made by any Act of Parliament hereafter to be passed for assigning other duties than those to be imposed by virtue of this Act; and such offices shall be held not only subject to the pleasure of the officers and Justices by whom such appointments shall be made, but also subject to the provisions of any future Act of Parliament in relation thereto.

c. And for the purpose of regulating sundry legal proceedings, it is enacted, with regard to any distress for any sum of money to be recovered by virtue of this Act, so far as relates to the remedying of any damage occasioned by any irregularity therein or in reference thereto, That, notwithstanding there be any defect of form in the proceedings relative to any such distress, neither the distress itself shall be deemed unlawful, nor shall the party making the same be deemed a trespasser *ab initio*, but that if any irregularity be committed by any party, then, subject to the conditions in this Act prescribed with regard to actions brought for anything done in pursuance thereof, it shall be lawful for the person aggrieved by such irregularity and he is hereby entitled to recover full satisfaction for the special damage only, and that by action on the case, and not by any other action whatsoever.

ci. With regard to any action for any irregularity or other proceeding, so far as relates to the tender of amends, or payment of money into court in respect thereof, That if, before such action be brought, the party who committed or caused to be committed any such irregularity or wrongful proceeding make or cause to be made tender of sufficient amends, then the plaintiff shall not be entitled to recover in such action; and that although such tender shall not have been made, yet if at any time before issue joined the Court in which such action shall be depending, or a Judge of any of the superior courts, grant leave, then it shall be lawful for the defendant, to pay into court any sum of money, by way of compensation or amends, in such manner, and under such regulations as to the payment of costs and the form of pleading, as is and are customary and in force in the said superior courts.

cii. With regard to every sum of money by this Act or by any award or certificate or other proceeding in pursuance of or in accordance with this Act, charged upon any person in respect of any work done in pursuance of or in accordance with this Act, so far as relates to the recovery of such sum of money, that if any party claim such sum of money, that it shall be lawful for any one Justice of the Peace to summon the person on whom such sum is alleged to be charged before any two Justices, or, if the matter arise within the district of the metropolitan police, then before any Police Magistrate having jurisdiction within that district; and if such award or certificate be produced, or if such other proceeding be proved by the oath of the party claiming or of any other credible witness, and if it be proved by the oath of such party or other witness that such sum of money is still due, then it shall be lawful for such Justices or such Police Magistrate, and they respectively are hereby required, to issue a warrant to levy the amount thereof, and also the costs of the proceeding, to be levied by distress of the goods and chattels of the person in default; and if such person have no goods and chattels whereon to distrain, or if such goods and chattels be insufficient for that purpose, then it shall be lawful for such Justices or Police Magistrate, or for any other Justice or Police Magistrate, to commit the person in default, until the amount of such sum so due, and of such costs, shall have been fully paid, or until the party shall be discharged by or in accordance with the provisions of any Act for the relief and discharge of insolvent debtors.

ciii. With regard to all offences against the provisions of this Act for which no other proceeding is provided, so far as relates to the prosecution thereof, That it shall be lawful to proceed by complaint before any one Justice of the Peace or before a Police Magistrate as aforesaid; and that it shall be lawful for such Justice to summon the party against whom such complaint shall be made; and that if such party fail to appear in pursuance of such summons, then it shall be lawful for such Justice or Magistrate, or any other Justice or Magistrate, to issue a warrant under his hand and seal to compel the appearance of such party; and that on conviction of the offender before two Justices or before any Police Magistrate it shall be the duty of such Justices or Magistrate and they are hereby required to cause the amount of the penalty hereby imposed in respect of such offence, and of the costs of any such proceeding in respect of such offence, to be levied by distress of the goods and chattels of the offender; and that if such offender have no goods and chattels whereon to distrain, or if they be insufficient for that purpose, then it shall be lawful for such Justices or Magistrate, or for any other Justice or Magistrate, and they are

hereby empowered, either on failure of such distress, or in the first instance, to commit the offender, for any period not exceeding three months, or till he shall have paid the full amount of such penalty and such costs.

CIV. With regard to every order which shall be made by virtue of or under this Act, and to any other proceeding to be had touching the conviction of any offender against this Act (except proceedings touching the conviction of any person offending for carrying on a trade or business offensive, noxious, or dangerous, contrary to this Act, otherwise than those hereinbefore specified), That it shall not be lawful for any person to remove such order or other proceeding by certiorari, or any other writ or process whatsoever, into any of Her Majesty's courts of record at Westminster; and every such order and other proceeding is hereby declared not to be so removable.

CV. With regard to any conviction for any offence in respect of which a penalty is by this Act imposed, so far as relates to the appeal from any such conviction in respect thereof, That if any party be dissatisfied with the decision of the Justices in any case in which such penalty may be proceeded for and if within four days after such decision notice be given by or on behalf of such party to the party appealed against of his intention to appeal against such decision, and of the grounds of such appeal, and if the appellant enter into a recognizance, with two sufficient sureties, conditioned to prosecute such appeal, and to abide the order of the Court, and to pay to the party appealed against such costs (if any) as shall be awarded against him, then it shall be lawful for such party so dissatisfied to appeal against such conviction to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden within four months after such conviction; and that if within such period of four days such appellant have entered into such recognizance as is herein required, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine on oath into the cause and matters of such appeal (which oath they are hereby empowered to administer), and to determine the same, and to award such costs to be paid by either of the said parties as they think proper; and the order, judgment, and determination of the said Justices shall be binding and conclusive.

CVI. With regard to every penalty or forfeiture incurred under this Act, so far as relates to the limitation of proceedings for the recovery thereof, That if within six calendar months next after such penalty or forfeiture shall have been incurred an action or prosecution be not brought or commenced against the person liable in respect thereof, then thereafter it shall not be lawful for any person to bring such action or commence such proceeding in respect of such penalty or forfeiture.

CVII. With regard to every such penalty or forfeiture, so far as relates to the recovery and the appropriation thereof, That it shall be lawful for any party to sue or proceed for the same; and that if such penalty be not otherwise specifically appropriated, then the person so suing or proceeding shall be entitled to receive one half thereof for his own benefit, and the other half shall be applied to Her Majesty's use, and shall be paid to the sheriff of the county, city, or town where the same shall have been imposed; and that all convictions before Justices shall be returned to the Court of Quarter Sessions, under the provisions of an Act, 3 Geo. 4. c. 46, intituled 'An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated,' and shall be paid to the sheriff of the county, city, or town, and shall be duly accounted for by him.

CVIII. And for regulating proceedings against persons acting in pursuance of this Act, it is enacted, with regard to any action or suit against any person in respect of any act or thing done or intended to be done in pursuance of this Act, so far as relates to the limitation thereof, and to the notification thereof to the offending party, and to the venue thereof, and to the pleadings therein, and to the evidence of the matters thereof, and to the verdict therein, and to the judgment of the Court thereon, and to the costs of such action, and to the recovery of such costs, That after the expiration of six months next after the fact committed it shall not be lawful to bring any such action or suit against any person in respect of any such act; and that if, twenty-one days at the least before the commencement of the action or suit, notice in writing of an intention to bring such action or suit, and of the grounds of action, be not given to every person against whom such action or suit shall be brought, then it shall not be lawful for any person to bring any such action or suit against any person in respect of any such act; and that if the cause or matter of any such action or suit arise within the said city of London or the liberties thereof then such action or suit must be laid in the city of London, and not elsewhere; and that if the cause of any action or suit arise in any part of the limits aforesaid out of the said city of London and liberties thereof then it must be laid and tried in the county of Middlesex, and not elsewhere; and that in every such action or suit it shall be lawful for the defendant and he is hereby entitled to plead the general issue, and at the trial to be had thereof to give this Act and the special matter in evidence, and to prove that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act; and that if upon the trial of such action it appear that the said matter or thing has been done by the authority or in pursuance of this Act, or if it appear that such action or suit was brought before the expiration of twenty-one days after such notice given as aforesaid, or if it appear that sufficient satisfaction was made or tendered before such action was brought, or if upon plea of payment of money into court it shall appear that the plaintiff has not sustained damages to a greater amount than the sum paid into court, or if any such action or suit be not commenced within the time herein for that purpose limited, or if it be laid in any other county or place than as aforesaid, then and in every such case it shall be the duty of the jury and they are hereby required to find for the defendant; and that if a verdict be found for the defendant, or if the plaintiff in any such action or suit become nonsuited, or discontinue or suffer a discontinuance of any such action or suit, or if judgment be given for the defendant therein, on demurrer, or by default or otherwise, then the defendant shall be entitled to have judgment to recover full costs of suit, and to such remedy for recovering the same as any defendant shall have by law.

CIX. And further, for the prevention of vexatious litigation, it is enacted, with regard to every action in respect of any matter or thing done or intended to be done in pursuance of this Act, so far as relates to the costs of such action, That if the defendant apply to the superior court at Westminster in which such action is pending, or to any Judge of any of the said courts, then it shall be lawful for such court or any such Judge to require the plaintiff to give such security as such Court or Judge shall think fit for the payment of all costs, charges, and expenses incurred or to be incurred in and about the said action, and which shall be or become payable by him on the taxation thereof by the proper officer.

cx. With regard to any penalty or forfeiture incurred by any default in complying with the provisions of this Act, so far as relates to proceedings for the recovery thereof, That at any time within three months after such penalty or forfeiture shall have been incurred it shall be lawful for any surveyor appointed or confirmed by virtue of this Act, and all other persons, and they are hereby entitled, to commence and prosecute proceedings for the recovery thereof, or for the recovery of the expenses of pulling down or altering of any building, against any owner, occupier, builder, workman, or other person, or for any default made in complying with the provisions of this Act: Provided always, that if such proceedings be taken by any person except one of the surveyors, or except the official referees, then seven days notice of the intention to commence such proceedings must be given at the office of the surveyor of the district, and at the office of the registrar of metropolitan buildings.

cxl. Provided and enacted, with regard to the owners of any building, fence, ground, land, or tenement, so far as relates to their liabilities in respect of expenses incurred in respect of such premises or otherwise, That in all cases, whatever may be the nature of the interest in any such premises of the person entitled to the immediate possession thereof, or of the occupier thereof, such person entitled to the immediate possession of such premises, or such occupier, shall in the first instance bear all costs and expenses by this Act imposed on the owner thereof, and shall perform all duties by this Act imposed on such owner; subject, nevertheless, to any right or claim which such person or such occupier may have to be repaid such costs and expenses, and to be indemnified in respect of such duties, according to the provisions of this Act, according to the nature and extent of the covenants or agreements under which such person or occupier may hold such premises, as fully and effectually as if such covenants or agreements were herein recited.

cxli. With regard to notices by this Act required, so far as relates to the service thereof upon the owner or occupier of any building, fence, land, ground, or tenement, That every such notice must be given as follows; that is to say,

If such owner be a married female, other than a cestuique trust in regard to such property, then such notice must be given to the husband of such married female; or,

If such owner be an infant, idiot, or lunatic, or cestuique trust, then such notice must be given to the guardian, trustee, or committee of such infant, idiot, or lunatic, or cestuique trust; or,

If such owner, husband, trustee, guardian, or committee is not known, or cannot be found, then such notice must be given to the occupier of such building, fence, land, ground, or tenement to which it shall relate; or,

If such building, fence, land, ground, or tenement be unoccupied, then such notice must be affixed to some conspicuous part of such building, fence, land, ground, or tenement, at a height of not more than nine feet from the ground:—

And if the person in the occupation of any building, fence, land, ground, or tenement, in respect of which notice is to be given, allege that he is a tenant from year to year, or for any less term, or a tenant at will, and not the owner thereof, within the intent and meaning of this Act, then such notice must be given to the immediate landlord of such occupier; and it shall be the duty of such occupier and he is hereby required to inform any person by whom such notice shall be required to be given, or any other person applying on his behalf, of the name, place of residence, or place of business of such owner or landlord, or of his agent or other person by whom the rent of such building, fence, land, ground, or tenement shall be received; and if such owner or landlord be not in the receipt of the whole of the rents or profits of such building, fence, land, ground, or tenement, and if any notice shall be served upon such owner or landlord, then, immediately upon the receipt thereof, it shall be his duty and he is hereby required to transmit to his immediate landlord or his agent, and also to any other person being part owner in such building, fence, land, ground, or tenement, or in receipt of the rents or profits thereof under the same immediate landlord, or to the agent of such person, a copy of such notice; and so on in turn it shall be the duty of every landlord, agent, or other person by whom such notice shall be received to transmit it to any such landlord, agent, or other person, being part owner of any such building, fence, land, ground, or tenement, to the intent that every person affected by the work or proceeding to which such notice relates may have due notice thereof: Provided always, with regard to every such notice, so far as relates to the service thereof upon any such owner, that if it be served upon the immediate landlord of the occupier or upon his agent, or on behalf of the person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate landlord upon any other landlord or owner, such service is to be deemed to be sufficient service; but that nevertheless, if any owner suffer damage by the failure of any other person, being either the occupier or any person holding under such owner, to serve such notice, then such owner shall be entitled to recover the amount thereof against such person by whom such damage shall have been occasioned; and that every notice served under this clause on any person must contain a copy of the provisions thereof, so far as they require him to transmit the same to his immediate landlord, or the agent of such landlord.

cxlii. With regard to notices by this Act required, so far as relates to the mode of service thereof, upon the occupier of any building or ground, That if such notice be intended for the occupier of any building or ground then it must be given either personally or by leaving the same with some inmate at the premises, or it must be affixed as aforesaid.

cxliv. Further, with regard to all such notices, so far as relates to the mode of service thereof upon owners by delivery, That every such notice (except such notice as may according to the provision in that behalf be sent by post) must be given either personally or by leaving the same with some inmate at the usual place of abode of such party, or if that be not known then at his last known place of abode; and that every such notice, when so given to such persons respectively as aforesaid, or left at the last known place of their respective abodes, or when so affixed as aforesaid, according to the cases hereinbefore mentioned, shall have the same effects and consequences as if given to the actual owner.

cxv. Further, with regard to notices, so far as relates to the mode of service thereof by transmission, that if any owner upon whom the same is required to be served be not within the limits of this Act, or have not within the limits of this Act any agent acting in his behalf in the matter of the premises to which the notice refers, then it shall be lawful to give notice by post letter, duly registered according to the practice for the time being adopted with regard to letters transmitted by post, but so that nevertheless such letter be posted in such time as will afford to the person addressed, after the receipt of such letter, the full period of notice required in the case.

cxvi. With regard to notices, so far as relates to the service thereof upon the surveyors and upon the official referees, That if the notice relate to the surveyor then such notice must be served at the office of the surveyor; and that if the notice relate to the official referees, or any of them, then such notice must be left at the office of the registrar of metropolitan buildings.

CXVII. With regard to consents by this Act required to be given by the owner or occupier of any building or ground, so far as relates to the making thereof on behalf of incapacitated persons, That if such owner or occupier be a married female, not being a cestuique trust in regard to the property to which such consent relates, then such consent must be given by the husband of such married female; or that if such owner or occupier be an infant, idiot, or lunatic, or cestuique trust, then such consent must be given by the guardian, trustee, or committee of such infant, idiot, or lunatic, or cestuique trust; or that if such owner or occupier, husband, trustee, guardian, or committee, be not known or cannot be found, then with a view to protect the interests of such parties, as well as to facilitate the purposes of this Act, it shall be lawful for the official referees and they are hereby authorized, by writing duly sealed by the registrar of metropolitan buildings, to give such consent as may be requisite, upon such terms and subject to such conditions as may seem fit to them, having regard alike to the nature and purpose of the subject matter in respect of which such consent is to be given, and to the fair claims of the parties on whose behalf such consent is to be given.

CXVIII. With regard to the following documents, so far as relates to the payment of stamp duty in respect thereof, That every certificate and every award required to be made or signed by the surveyor or the official referees shall be and is hereby exempted from stamp duty.

CXIX. That this Act shall be deemed to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons whomsoever, without specially pleading the same.

CXX. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A).—(See § 1.)

Containing a Description of the ACTS and PARTS of ACTS repealed by this Act.

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
1st.—14 Geo. III. c. 78. (1774.)	An Act for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster and the Liberties thereof, and other the Parishes, Precincts, and Places within the Weekly Bills of Mortality, the Parishes of Saint Mary-le-bon, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the County of Middlesex; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law.	Wholly; except so far as any such Act may repeal any other Act, either wholly or partly; and except as to Offences committed, Penalties incurred, and Fees payable, and any Proceedings taken or commenced or which might be taken or commenced under the said Act, on or before the said First Day of January One thousand eight hundred and forty-five; and except the whole of the several Sections of the said Act which relate to the keeping of Fire Engines and Ladders and Firecocks (§ 74, 75), and to the Fees or Rewards to Turncocks and Engine Keepers (§ 76), and to the Payment of such Rewards or Fees (§ 77, 78), and to the providing of Engines by Parishes (§ 80, 81), and to the Payment of the Expenses and Rewards out of the Poor Rates (§ 81), and to the Exemption of Watermen and others from Impressment, or the Liability to serve either as Mariners or as Soldiers (§ 82), and to the Application of Insurance Money on Houses burnt (§ 83), and to the Punishment of Servants for carelessly firing a House (§ 84), and to the Attendance of Peace and Parish Officers at Fires (§ 85), and to legal Proceedings in respect of accidental Fires (§ 86); and any other Part of the said Act, so far as it is necessary for giving full effect to the respective Purposes of such several unrepealed Sections.
2d.—50 Geo. III. c. 75. (1810.)	An Act to amend an Act of the Fourteenth Year of His present Majesty, for the better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster, by permitting John's Patent Tessera to be used in covering of Houses and Buildings within the Places therein mentioned.	Wholly.
3d.—3 & 4 Vict. c. 85. (1840.)	An Act for the Regulation of Chimney Sweepers and Chimneys.	So much thereof as relates to the Construction and Regulation of Chimneys and Flues within the Limits of this Act.

SCHEDULE (B.)—(See § 5 & 7.)

PART I.

List of BUILDINGS, of whatever Class, placed under special Supervision.

Bridges, Embankment Walls, Retaining Walls, and Wharf or Quay Walls:

And Her Majesty's Royal Palaces, and any Building being in the possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service:

And any Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and Bethlem Hospital and the House of Occupations adjoining:

And the Mansion House, Guildhall, and Royal Exchange of the City of London:

And the Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "the Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor and Company either on the Site of or in addition to and in connexion with the said Edifice:

And the Buildings of the British Museum already erected or to be erected for the like purposes:

And the Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the purposes of a Market in Covent Garden:

And the Warehouses of or belonging to the Saint Katharine Dock Company, commonly called the New Street and Cutler Street Warehouses, and the Haydon Square Warehouses, purchased by the said Company from the East India Company:

And all other buildings exempted by any Act of Parliament from the Operation of the Act passed in the Fourteenth Year of His late Majesty King George the Third, and by this Act repealed, except Buildings included in the Second Part of this Schedule.

PART II.

List of BUILDINGS, of whatever Class, exempted from Supervision.

And the Warehouses of or belonging to the Saint Katharine Dock Company, and situate in the Parish of Saint Botolph-without-Aldgate, and in the Precinct of Saint Katharine, near the Tower of London, in the County of Middlesex:

And the Warehouses and Buildings of or belonging to the London Dock Company, comprehended within the Wall of the said Company, as set forth in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth:

And the several Warehouses and Buildings of or belonging to the East and West-India Dock Company, established by an Act made in the First Year of the Reign of Her present Majesty:

And the Buildings erected or to be erected by the London and Birmingham Railway Company, established and incorporated by an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, within and in connexion with the Works of their Railway, by virtue of the several Acts relating thereto:

And the Buildings and Structures belonging to any other Dock or Railway authorized to be executed by any Act of Parliament.

SCHEDULE (C.)—PART I.—(See § 5.)

RULES for determining the CLASSES and RATES to which Buildings are to be deemed to belong for the Purposes of this Act, and the Thicknesses of the Walls of Buildings of such Rates.

Classes of Buildings.

For the Purposes of this Act, all Buildings of whatever kind, subject to the Provisions thereof, are to be deemed to belong to one or other of the following Three Classes; that is to say,

First Class.

If a Building be built originally as a Dwelling House, or be occupied or intended to be occupied as such, then it is to be deemed to belong to the First or Dwelling House Class.

Second Class.

If a Building be built originally as a Warehouse, Storehouse, Granary, Brewery, Distillery, Manufactory, Workshop, or Stable, or be occupied or intended to be occupied as such, or for a similar Purpose, then it is to be deemed to belong to the Second or Warehouse Class.

Third Class.

If a Building be built originally as a Church, Chapel, or other Place of Public Worship, College, Hall, Hospital, Theatre, public Concert Room, public Ball Room, public Lecture Room, public Exhibition Room, or occupied or intended to be occupied as such, or for a similar purpose, or otherwise used or intended to be used, either temporarily or permanently, for the Assemblage of Persons in large Numbers, whether for Public Worship, Business, Instruction, Debate, Diversion, or Resort, then it is to be deemed to belong to the Third or Public Building Class.

Alteration of Class.

And if any Room, whether constructed within any other Building or not, and whether included in the aforesaid Classes or not, be used at any Time for the public or general Congregation of Persons, then the Building containing such Room is to be deemed a Building of the Third or Public Building Class.

Or if a Building originally built, or subsequently altered so as to bring it within any one Class, be subsequently converted into or used as a Building of another Class, then it is to be deemed to belong to such other Class; and as to it all the Conditions prescribed with regard to Buildings of the same Rate of such other Class must be fulfilled as if it had been originally built of such Class, subject nevertheless to such Modifications as shall be sanctioned by the Official Referees on a special Supervision thereof.

Or if a Building be used partly as a Dwelling House and partly for any Purpose which would bring it within the Second or Warehouse Class, then it is to be deemed to belong to the said Second or Warehouse Class; and as to it all the Conditions prescribed with regard to Buildings of the same Rate of such Class must be fulfilled as if it had been originally built of such Class, subject nevertheless to such Modifications as shall be sanctioned by the Official Referees on a special Supervision thereof.

Rates of Buildings.

And the Buildings included in the said Classes are to be deemed to belong to the Rates of those Classes according to the Conditions of Height, Area, and Number of Stories set forth in the following Tables; which Conditions are to be determined according to the following Rules:—

Rule for ascertaining Height.

The Height of every Building is to be ascertained by measuring from the Surface of the lowest Floor of the Building up to the under Side of the Ceiling of the topmost Story at the highest Part thereof, whether such Story be within the Roof or not.

And if there be no Ceiling made or intended to be made to the topmost Story, then by measuring from the Surface of such lowest Floor of the Building up to the under Side of any Tie-beam, Collar-beam, or other Substitute for a Tie-beam, to or within the Roof of the Building, and to the highest Part of such Roof; and the Level of the under Side of such Tie-beam, or such Substitute for a Tie-beam, is in such Case to be taken to mean the Ceiling of the topmost Story.

And if there be no Tie-beam, Collar-beam, or other Substitute for a Tie-beam to or within the Roof of any Building, then up to a Level Three Feet below the Level of the under Side of the Ridge-piece, or Substitute for a Ridge-piece, to the Roof of such Building.

Rule for ascertaining Area.

And the Area of every Building is to be determined by the Number of Squares contained in the Surface of any Floor which shall contain the greatest Number of Squares at or above the principal Entrance to such Building, including in such Surface the Area of all the external Walls, and such Portions of the Party Walls, as belong to such Building, but excluding from such Surface the Area of any attached Building or Office, Area, Balcony, or open Portico.

Rule for ascertaining the Capacity of any Building of the Second Class.

And the Capacity or Cubical Contents of any such Building is to be ascertained by measuring according to the Rule for ascertaining Area, and from the Surface of the lowest Floor up to the under Surface of the Roof Covering of such Building.

Rule for ascertaining Number of Stories.

And the Stories of every Building are to be counted from the Foundation upwards.

And if the Space in Height between the Top of the Footings and the Level of the lowest Floor do not exceed Five Feet, then the Story nearest the Foundation is to be considered the lowest or first Story; but if such Space exceed Five Feet, then such space is to be considered to contain the lowest or first Story; and in that Case Nine Inches above the Top of the Footing is to be considered the Level of the lowest Floor.

Rule for ascertaining Thickness of Walls.

And the Thickness or Width of every Wall, and of the Footing thereof, is to be ascertained by measuring only the Thickness or Width of which such Walls or Footings shall have been originally built.

SCHEDULE (C).—PART II.—(See § 5.)

CONDITIONS for determining the Rates to which Buildings of the First or Dwelling House Class are to be deemed to belong and the Thickness of the external Walls and of the Party Walls thereof.

In reference to HEIGHT.	In reference to AREA.	In reference to STORIES.	RATE of BUILDING.	REQUISITE THICKNESS of EXTERNAL WALLS of each Rate of the FIRST CLASS.	REQUISITE THICKNESS of PARTY WALLS of each Rate of the FIRST CLASS.
1. If the Building be in Height more than 70 Feet, and not more than 85 Feet,	If the Building cover more than 10 Squares, and not more than 14 Squares,	If the Building contain Seven Stories,	It is to be of the First Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the Floor next below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the Floor next below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.
But if it be in Height more than 85 Feet,	Or if it cover more than 14 Squares,	Or if it contain more than 7 Stories,	It is to be an extra First Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor, and at the least 17½ Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the topmost Floor; and at the least 13 Inches from the under Side of the topmost Floor up to the top of the Wall.
2. If more than 52 Feet and not more than 70 Feet,	Or if it cover more than 6 Squares, and not more than 10 Squares,	Or if it contain 6 Stories,	It is to be of the Second Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.
3. If more than 38 Feet, and not more than 52 Feet,	Or if it cover more than 4 Squares, and not more than 6 Squares,	Or if it contain 5 Stories,	It is to be of the Third Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but Two below the topmost Floor up to the under Side of the topmost Floor; and at the least 8½ Inches from the under Side of the topmost Floor up to the top of the Wall.
4. If not more than 38 Feet,	Or if it do not cover more than 4 Squares,	Or if it do not contain more than 4 Stories,	It is to be of the Fourth Rate of this Class,	And the Thickness of the external Walls must be at the least 13 Inches from the Top of the Footing up to the under Side of the Floor next below the topmost Floor; and at the least 8½ Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 13 Inches from the Top of the Footing up to the under side of the Floor next but one below the topmost Floor; and at the least 8½ Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.

SCHEDULE (C).—PART III.—(See § 5.)

CONDITIONS for determining the Rates to which Buildings of the Second or Warehouse Class are to be deemed to belong, and the Thickness of the external Walls and of the Party Walls thereof.

In reference to HEIGHT.	RATE of BUILDING.	REQUISITE THICKNESS of the EXTERNAL WALLS of each Rate of the SECOND CLASS.	REQUISITE THICKNESS of the PARTY WALL of each Rate of the SECOND CLASS.
1. If the Building be in Height more than 66 Feet,	It is to be of the First Rate of this Class,	And the Thickness of the external Walls must be at the least 26 Inches from the Top of the Footing up to the Level of 76 Feet below the topmost Ceiling; and at the least 21½ Inches from the Level of 76 Feet below the topmost Ceiling up to the Level of 36 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 36 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 26 Inches from the Top of the Footing to the Level of 76 Feet below the topmost Ceiling; and at the least 21½ Inches from the Level of 76 Feet below the Topmost Ceiling up to the Level of 36 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 36 Feet below the topmost Ceiling up to the Level of the topmost Ceiling; and at the least 13 Inches from the Level of the topmost Ceiling up to the Top of the Wall.
2. If more than 44 Feet and not more than 66 Feet,	It is to be the Second Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the Level of 58 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 58 Feet below the topmost Ceiling up to the Level of 22 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 22 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the Level of 58 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 58 Feet below the topmost Ceiling up to the Level of 22 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 22 Feet below the topmost Ceiling up to the Top of the Wall.
3. If more than 22 Feet and not more than 44 Feet,	It is to be of the Third Rate of this Class.	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the Level of 28 Feet below the topmost Ceiling; and at the least 13 Inches from the level of 28 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the Level of 28 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 28 Feet below the topmost Ceiling up to the Level of the topmost Ceiling; and at the least 8½ Inches from the level of the topmost Ceiling up to the Top of the Wall.
4. If not more than 22 Feet,	It is to be of the Fourth Rate of this Class,	And the Thickness of the external Walls must be at the least 13 Inches from the Top of the Footing up to the Level of 9 Feet below the topmost Ceiling; and at the least 8½ Inches from the Level of 9 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 13 Inches from the Top of the Footing up to the Level of 16 Feet below the topmost Ceiling; and at the least 8½ Inches from the level of 16 Feet below the topmost Ceiling up to the Top of the Wall.

SCHEDULE (C.)—PART IV.

. RULES concerning BUILDINGS of the SECOND or WAREHOUSE CLASS.

Warehouses, &c.

With regard to any Building of the Second Class hereafter built or rebuilt, in reference to the Capacity or Contents thereof within the same inclosing Walls,—

If such Building contain more than 200,000 Cubic Feet, then such Building must be divided by Party Walls, so as that there be not in any one Part of such Building more than 200,000 Cubic Feet without Party Walls.

Openings in Party Walls.

And with regard to Buildings of the Second Class, in reference to openings through Party Walls,—

Such Openings must not be made wider than Six Feet, nor higher than Eight Feet, unless in each Case, and upon special Evidence of Necessity for Convenience or otherwise, the Official Referees shall previously authorize larger Openings.

And the Floor, and the Jambs, and the Head of every such Opening must be composed of Brick or Stone or Iron Work throughout the whole thickness of the Wall.

And every such Opening must have a strong Wrought-iron Door on each Side of the Party Wall, fitted and hung to such Opening without Wood-work of any Kind; and such Doors must be not less than One Fourth of an Inch thick in the Panels thereof.

And each of such Doors must be distant from the other not less than the full Thickness of the Party Wall.

Roofs.

And with regard to the Roofs of Buildings of the Second Class, in order to prevent the Formation of curbed Roofs to such Buildings, the Plane of the Surface of the Roof of every such Building must not incline from the external or Party Wall upwards at a greater Angle than 40 Degrees with the Horizon.

SCHEDULE (C.)—PART V.

REQUISITES for determining the Rate to which any Building of the THIRD or PUBLIC BUILDING CLASS is to be deemed to belong.

If any Building of the Third or Public Building Class correspond in Form or Structure or Disposition with a Dwelling House, then the Rate thereof is to be determined by the same Rules as the Rates of the First or Dwelling House Class; and the Thicknesses of the external and Party Walls, and the Width of the Footings thereof, are to be at the least Four Inches more than is hereby required for the external and Party Walls, and the Footings thereof, of Buildings of the same Rate of the First or Dwelling House Class, unless the Official Referees, on special Supervision in each Case, shall otherwise appoint.

But if it correspond in Form or Structure or Disposition with a Warehouse, or any Building of the Second Class, then the Rate thereof is to be determined by the same Rules as the Rates of the Second or Warehouse Class; and the Thickness of the external and Party Walls, and the Width of the Footings thereof, are to be at the least Four Inches more than is hereby required for the external and Party Walls, and the Footings thereof, of Buildings of the same Rate of the Second or Warehouse Class, unless the Official Referees, on special Supervision in each Case, shall otherwise appoint.

But if it do not correspond in Form and Structure, or in either, with Buildings of the First or Second Classes, or any of them, then such Building is to be subject, as to its Walls or other Construction, to the special Approval of the Official Referees.

SCHEDULE (C.)—PART VI.

RULE concerning FIRE-PROOF ACCESSSES and STAIRS to Buildings of the FIRST and THIRD CLASSES.

With regard to Buildings of the First Class, whereof the internal Stairs are of Stone or other incombustible Substance, such Stairs must be set in, or be fixed to, and be wholly upborne by, Fire-proof Constructions, and must be connected internally by Landings, the Floors of which are Fire-proof, and wholly upborne and supported by Fire-proof Constructions, and must be connected with the exterior Entrance by Passages, the Floors of which are Fire-proof, and wholly upborne and supported by Fire-proof Constructions.

And with regard to Buildings of the Third Class, the Floors of the Halls, Vestibules, Lobbies, Corridors, Passages, and the Stairs and Landings, and all other Ways of Ingress and Egress within the Building to and from all Rooms or Apartments used for public Congregation, and to and from all Galleries being Part of, or being connected with, any such Room or Apartment, must be wholly supported, constructed, formed, made, and finished Fire-proof.

SCHEDULE (C.)—PART VII.

RULES concerning attached and detached and insulated Buildings, as to the Rates and Walls thereof.

Attached Buildings and Offices.

With regard to Buildings or Offices now built or hereafter to be built (except Greenhouses, Vineries, Aviaries, or such like Buildings), and that whether such Buildings or Offices be attached to, or detached from, the Buildings to which they belong,—

Every such Building is to be deemed, in respect of the Walls thereof, and all other Requisites, as a Building of the Rate to which it would belong if it had been built separately.

Insulated Buildings.

And with regard to Buildings of the First or Dwelling House Class, and of the Second or Warehouse Class, which shall be insulated, so far as relates to the Distance thereof from a public Street or Way,—
Every such Building must be distant from any public Street or Alley One Third of the Height thereof at the least; and if the Building do not exceed Twenty-four Feet in Height, then it must be so distant at the least Eight Feet.
And with regard to such Building, so far as relates to the Distance thereof from any other Building, or from Ground not in the same Possession or Occupation therewith, or connected therewith only by a Fence or Fence Wall, it must be distant from such other Building or such other Ground at the least 30 Feet.
And if such Building be so distant from a public Street or Alley, and from any other building, or from Ground not in the same Possession or Occupation therewith, then such Building is not to be liable, in respect of the Dimensions and Materials thereof, to the Rules and Directions of this Act.

Insulated Buildings afterwards divided.

Provided always, that if any such Building be hereafter divided into Two or more distinct Buildings, and the several Parts of such Buildings so divided be not at the aforesaid Distance from each other, and from other Buildings and Ground, then such several Parts must be separated from each other by such Party Walls as are herein prescribed for the Rates to which such several Parts, if adjoining, would belong.
And if such Requisites be not observed, then such several Parts of such Buildings in respect of which they are not so observed shall be deemed a public Nuisance, and as such be taken down according to the Provisions of this Act in that behalf.

Toll Houses, &c.

And with regard to certain Buildings which shall be built for the Purposes of Trade or the Collection of Toll,—
If such Buildings be situate Fifteen Feet at the least from any other Building, and do not cover an Area of more than One Square and One Half, and the Height thereof do not exceed Twelve Feet from the Ground to the highest Point of the Roof, then every such Building may be inclosed with any Materials whatsoever, but the Roof thereof must be covered as herein directed with regard to Roofs, and the Chimney and Flue (if any) must be built as herein directed with regard to Chimneys and Flues.

SCHEDULE (D.)

PART I.—RULES concerning WALLS of whatever Kind.

Foundations.

With regard to the Foundations of Walls:—

Every external Wall, and every Party Wall, and every Party Fence Wall, must be built upon a constructed Footing, based upon solid Ground, or upon other sufficient Foundation.

Footings.

With regard to Footings of Walls, in reference to the Materials thereof, to the Width thereof, to the Height thereof above the Foundation, and to the Depth below the surface:—

Materials.

1. In reference to the Materials thereof:—

Every Footing must be built either of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work.

Width.

3. In reference to the Width thereof:—

The Bottom of the Footing of every external Wall and Party Wall of the First Rate must be at the least 17½ Inches wider than the Wall standing thereon; and the Bottom of every Footing of every external Wall and Party Wall of the Second and Third Rates must be at the least 13 Inches wider than the Wall standing thereon; and the Bottom of the Footing of every external Wall and Party Wall of the Fourth Rate, and of every Party Fence Wall, must be at the least 8½ Inches wider than the Wall standing thereon.

The Top of the Footing of every Party Fence Wall, and of every external Wall and Party Wall, must be at the least Four Inches wider than the Wall standing thereon.

Height.

4. In reference to the Height above the Foundation:—

The Footing of every external Wall and Party Wall of the First Rate must be at the least Eleven Inches high above the Foundation.

The Footing of every external Wall and Party Wall of the Second and Third Rates must be at the least Eight Inches high above the Foundation.

The Footing of every Party Fence Wall, and of every external Wall and Party Wall, of the Fourth Rate, must be at the least Five Inches high above the Foundation.

Depth below Ground.

5. In reference to the Depth thereof below the Surface of the lowest Ground or Area adjoining:—
The Top of the Footing of every Party Fence Wall, and of every external Wall and Party Wall, must be at the least Three Inches below such Surface.

Depth below lowest Floor.

6. In reference to the Depth thereof below the Surface of the lowest Floor adjoining or intended to adjoin thereto:—
The Top of the Footing of every external Wall and Party Wall must be at the least Nine Inches below such Surface; and in any Building of the First Class the surface of the Earth or of any Paving on the Outside (except the Pavement of any public Way) must not at any Time be raised to within Six Inches of the Surface of the lowest or First Floor of such Building.

Thicknesses of inclosing Walls to Stories of Buildings of whatever Rate.

With regard to the inclosing Walls to Stories of Buildings of the First and Second Classes, each of the inclosing Walls of any such Story throughout the whole Height thereof, from the Top of the Footing up to the Top of such Story, and with all the Sets-off in addition required for such Wall, to whatever Rate or whichever Class it may belong, and throughout at the least One Third of the whole Length of such Wall, in Piers properly distributed, must be of the following Dimensions (unless cross or return Walls, coursed and bonded with the inclosing Walls, shall in the Opinion of the Official Referees, upon special Application to them in each particular Case, give sufficient Strength with less Thickness in such inclosing Walls); that is to say,—

As to First Class Buildings:—If the story be in Height more than 11 Feet, then the Thickness of its inclosing Walls must be at the least 13 Inches.

Or if the Story be in Height more than 15 Feet, then the Thickness of its inclosing Walls must be at the least 17½ Inches.

As to Second Class Buildings:—If the Story be in Height more than 9 Feet, then the Thickness of its inclosing Walls must be at the least 13 Inches.

Or if the Story be in Height more than 12 Feet, then the Thickness of its inclosing Walls must be at the least 17½ Inches.

Or if the Story be in Height more than 15 Feet, then the Thickness of its inclosing Walls must be at the least 21½ Inches.

Or if the Story be in Height more than 18 Feet, then the Thickness of its inclosing Walls must be at the least 26 Inches.

Nevertheless as to any external Wall of any Building of the First Class in which there are no Apertures or Recesses,—If there be another external Wall and a cross Wall of not less than 8½ Inches thick coursing and bonding with such external Wall, or if Two such cross Walls occur within a Length of 24 Feet of such Wall, then such external Wall may be built of the Thickness of 13 Inches, of any Height not exceeding 18 Feet, within any Story, although the Rate of the Wall may require a greater Thickness, but always upon condition that the Substructure of such Wall is 4 Inches thicker at the least than such Superstructure, and vertically under it.

And also if any such Wall be abutted by cross or return Walls within a Length of 12 Feet, and if not more than One Aperture or Recess occur within such Length of 12 Feet, and not more than One Half the Quantity in Length be taken out of such Compartment of a Wall by any such Aperture or Recess, then such external Wall may be built of any Thickness not less than 13 Inches, notwithstanding the Rate of such Wall may require a greater Thickness.

PART II.—EXTERNAL WALLS.

Construction and Materials.

And with regard to the component Materials of external Walls to Buildings of whatever Class,—

Every such Wall must be built of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work; and every such Wall must be carried up of its full Thickness to the under Side of the Plate under the Roof.

Nevertheless in such Walls, besides all requisite Openings for Doors and Windows, Recesses may be formed, so that the Back thereof be of the Thickness of Eight Inches and a Half at the least, and so that the Stability and Sufficiency of the Wall be not injuriously affected by making such Recesses.

And with regard to other Substances than the component Materials of external Walls,—

There may be such Wood and Iron as shall be necessary.

And every Plate, Lintel, Bond, Corbel, being of Wood, and every Wood-brick laid into any external Wall, and all Ends of Joists, of Girders, and of the Heads and Sills of Partitions running into any external Wall, must be fixed at a Distance from the external Face of the Wall of Four Inches at the least.

And the Frames of Doors and Windows must be fixed in Reveals at a Distance from the external Face of the Wall of Four Inches at the least.

And Shop Fronts must be fixed in such Manner as is herein specially directed.

And the Tiers of Door Cases to Warehouses must be fixed in the Openings left in such Walls at a Distance from the external Face of the Wall of Two Inches at the least.

But no Timber must be laid into any external Wall in such Manner or of such Length as to render the Part of the Wall above it wholly or in great Part dependent upon the Wood for Support, or so that any such Wood might not be withdrawn without endangering the Safety of the superincumbent Structure, except in the Case of Breastsummers.

Height and Thickness of Parapets.

And with regard to external Walls, in reference to the Height and Thickness of any Parapet thereon,—

If an external Wall adjoin a Gutter, then such external Wall must be carried up, and remain One Foot at the least above the highest Part of such Gutter.

And the Thickness of an external Wall so carried up above the Level of the under Side of the Gutter Plate, and forming a Parapet, must be at the least,—

In every such Wall of the extra First Rate of the First Class, and in every such Wall of the First Rate of the Second Class, 18 Inches thick; and—

In every other external Wall, of whatever Rate or whichever Class, 8½ Inches thick.

Brestsummers.

With regard to every Brestsummer fixed to carry any front Wall of a Building,—

If such Brestsummer have a Bearing at one End upon a Party Wall, then it must be laid upon a Template or Corbel of Stone or Iron, which Template or Corbel must be tailed through such Wall at least Two Thirds of the Thickness thereof; and the End of such Brestsummer must not be fixed into, and must not have its Bearing solely upon, such Party Wall, but must be supported by a sufficient Pier built of Brick or Stone, or by an Iron Column, or Iron or Timber Story Post fixed on a solid Foundation.

And if any such Brestsummer have its Bearing at each End upon a Party Wall, then it must be supported by at least Two sufficient Piers built of Brick or Stone, or by Iron Columns, or by Iron or Timber Story Posts fixed on solid Foundations, and standing within and clear of the Party Walls.

Or any such Brestsummer may bear upon constructed Returns in the Direction of the Length of the Brestsummer of Four Inches at the least, coursed and bonded with the Substance of the Party Wall or Party Walls; and such constructed Returns must be increased One Inch at the least for every Six Feet in Length that the Brestsummer may be otherwise unsupported.

And if the Height of the under Side of any Brestsummer laid from Party Wall to Party Wall to carry any external Wall exceed 15 Feet from the Surface of the public Foot Pavement in front of the Building, then there must be constructed Returns in the Direction of the Length of the Brestsummer from the Inside of each Party Wall of 8½ Inches at the least, and at the least of the full Thickness of such Brestsummer; and every such Return must be increased One Inch at the least for every Foot or Part of a Foot the Brestsummer may be in Height from the Surface of the public Foot Pavement more than 16 Feet, whether the Brestsummer be otherwise supported or not.

Materials to be used in Repairs.

And with regard to old external Walls or other external Inclosures of any Building already built, in reference to Materials to be used in the repair thereof,—

If any such Wall or Inclosure be not built of the Materials required by this Act for external Walls or other external Inclosures hereafter to be built, then every Part of such Wall or other external Inclosure (except the Inclosure of Roofs, and the Flats, Gutters, Dormers, Turrets, Lantern Lights, and other Erections thereon,) may be at all Times thereafter repaired with Materials of the same Sort as those of which such external Wall or Inclosure has been already built.

Materials to be used in rebuilding.

But if any such external Wall or Inclosure be at any Time hereafter taken down or otherwise demolished for the Height of One Story, or for a Space equal to One Fourth of the whole Surface of such external Wall, then every part thereof not built in the Manner and of the several Materials by this Act directed for external Walls must be taken down, and the same must be rebuilt in such manner, and of such Materials, and in all respects as by this Act directed for external Walls hereafter to be built, according to the Class and Rate of the Building to which such external Wall or Inclosure shall belong.

External Wall used as a Party Wall.

And with regard to external Walls to be used as Party Walls to any Building adjoining thereto (except an attached Building or Office as is hereinbefore described),—

If the external Wall of any Building have not such Footings, or be not of such Heights and Thicknesses, or be not built in such Manner and of such Materials as are herein directed for Party Walls of Buildings of the highest Rate to which such Wall shall adjoin, then such external Wall must not be used as a Party Wall for any such Building; but there must be a distinct external Wall built as herein described for external Walls of the Rate to which it shall belong.

But if such external Wall to any Building already built be at the least 18 Inches in Thickness in every Part, and be of sound and proper Materials, and in good Condition, then such Wall may be used as a Party Wall; but if the House of which such Wall forms a Part be rebuilt within Five Years from the Time at which the Wall shall have been so first used as a Party Wall, then such Wall must become subject to the Provisions of this Act in respect of Party Walls, according to the Class and Rate to which the said Wall did first belong.

PART III.—PARTY WALLS.

Division of Buildings.

And with regard to Walls used to divide single Buildings into Two or more,—

If it be intended to divide any Building into two or more distinct Parts, then every Wall for that Purpose must be built as a Party Wall in the Manner and of the Materials, and of the several Heights and Thicknesses for Party Walls of the highest Rate of Building to which such Party Wall shall belong or adjoin, as prescribed in reference to the Thicknesses of Party Walls in Schedule (C.)

And if any Building already built or which shall be hereafter built be converted, used, or occupied as Two or more separate Buildings, each having a separate Entrance and Staircase, then every such Building shall be deemed to be Two or more

separate Houses, and such separate Houses must be divided from each other by a Party Wall or Party Arch or Arches built in the Manner and of the Materials required for Party Walls, or for Party Arches, for the Class and Rate to which the largest of the Buildings so divided shall belong.

Site of Walls.

With regard to Party Walls, in reference to the Site thereof,—

If the Buildings be of equal Rate then such Party Wall must be built on the Line of Junction of such Buildings, One Half on the Ground of the Owner of one of such Buildings, and One Half on the Ground of the Owner of the other of such Buildings.

If such Buildings be of different Rates, then such Wall must be built on the Line of Junction thereof, as follows; that is to say, One Half of the Thickness of the Wall required for the Building of the lower Rate on the Ground of each of the adjoining Owners; and the whole of the additional Thickness of the Wall required for the Building of the higher Rate on the Ground of the Owner of such Building of the higher Rate.

And if such Building of the lower Rate be thereafter enlarged or altered so as to become a Building of a higher Rate, then the Owner of such first-mentioned Building of the higher Rate for the Time being shall be entitled to receive from the Owner of such Building of the lower Rate such Sum of Money as shall be a sufficient Compensation for the Ground occupied by that Portion of the Party Wall, which according to the Rate of the Building enlarged ought to have been built by its Owner on his own Ground, as well as the Value of so much of the Wall itself as may be more than the Owner of such Building of the lower Rate had already paid for.

Construction and Materials.

And with regard to Party Walls, in reference to the component Materials thereof,—

Every Part of such Party Wall must be built of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such manner as to produce solid Work.

And as to the Wood-work which it may be desired to connect with the Party Walls of any Building, the bearing Ends of wooden Beams, Brestsummers, Girders, Trimming Joists, and the Ends of Partition Heads and Sills, and the bearing Ends of the main Timbers of a Roof, and Wood-bricks may be laid into the Substance of a Party Wall; but no such Beam, Brestsummer, Girder, Joist, Partition Head, or Sill, nor any Part of a Roof being Wood, nor any Wood-bricks, must be laid or placed within Four Inches of the Centre of any Party Wall; and no other Wood-work of any Kind must be laid into, placed upon, or be run or driven into any Part of the Substance of any Party Wall.

But if the Ends of Timbers be carried on Iron Shoes or Stone Corbels, then such Iron Shoes or Stone Corbels must be built into the Wall at the least One Half of the Thickness of such Wall.

And the Top of every such Party Wall must be finished with one Course of sound Stock Bricks, set on edge with good Cement, or by a Coping of any other properly secured and sufficient Water-proof and Fire-proof Covering.

Height of Party Walls above Roof.

And with regard to Party Walls, in reference to the Height thereof,—

If a Party Wall adjoin to any Roof, then such Party Wall must be carried up and remain One Foot Six Inches at the least above the Part where the Party Wall and Roof adjoin, measured at a Right Angle with the Back of the Rafters of such Roof.

And if any Party Wall in any Building of the First Class adjoin a Gutter, then such Party Wall must be carried up, and remain Two Feet at the least above the highest Part of any such Gutter.

And if any Party Wall in any Building of the Second Class adjoin a Gutter, then such Party Wall must be carried up, and remain Three Feet at the least above the highest Part of any such Gutter.

If there be fixed within Five Feet of a Party Wall, upon the Flat or Roof of the Building, any Turret, Dormer, Lantern-light, or other Erection of combustible Materials, then every such Party Wall must be carried up next to every such Turret, Dormer, Lantern-light, or other Erection, and must extend One Foot Six Inches higher and One Foot Six Inches wider than any such Erection on each Side thereof.

Openings in Party Walls.

And for the Purpose of regulating the making of Openings through any Party Wall between One Dwelling House and another, whereby Two or more Dwelling Houses shall be united,—

With regard to any Dwelling Houses of any Rate, such Dwelling Houses may be united by Means of Openings in the Party Walls.

But with regard to any Dwelling Houses which when so united will contain more than Fourteen Squares,—

If such Dwelling Houses shall be and continue to be in the same Occupation, then upon its being declared by the Official Referees that in their Opinion the Stability and Security from Fire of any or either of such Dwelling Houses will not be endangered by making such Openings, they may be made accordingly.

Recesses and Chases.

And further, with regard to any Party Wall, as to Recesses and as to Chases in such Wall,—

In every Story Recesses may be formed, but only with the Consent and Authority of the Official Referees first had and obtained, and so that such Recesses be arched over, and so that the Back of any such Recess be not nearer than Seven Inches to the Centre of the Party Wall in the first or lowest Story, nor nearer than Four Inches to the Centre of the Party Wall in any other Story, and so that the Stability and Sufficiency of such Party Wall be not injuriously affected thereby.

If any Chases be required for the insertion of Ends of Walls, of Piers, of Chimney Jambs, of Withes, of Flues, of Metal

Pipes, or of Iron Story Posts, then every Chase for any such Purpose must not be left or be cut nearer than Four Inches at the least to the Centre of a Party Wall, nor within a Distance of Nine Inches at the least from any front or back Wall, and no Two such Chases must be made within a Distance of Seven Feet Six Inches at the least from each other on the same Side of a Wall, and no such Chase must be formed wider than Nine Inches.

PART IV.—PARTY WALLS AND PARTY ARCHES BETWEEN INTERMIXED PROPERTY.

And with regard to any Building already built, having Rooms or Floors, the Property of different Owners, which lie inter-mixed, without being separated by any Party Wall or Party Arch or Stone Floor,—
If any such Building be altogether rebuilt or to the extent of One Fourth of the cubical Contents thereof, then such inter-mixed Properties must be separated from each other, as follows:
If they adjoin vertically, then so far as they adjoin vertically they must be separated by a Party Wall.
If they adjoin horizontally, then so far as they adjoin horizontally they must be separated either by a Floor formed of Brick, Tile, Stone, or other proper and sufficient incombustible Materials, subject to the Consent of the Official Referees, or by a Floor formed of Iron Girders and Brick Arches, or Stone Landings, or Tiles, or by a Party Arch or Party Arches of Brick or Stone of the Thickness of Nine Inches at the least, if the Span do not exceed Nine Feet, and Thirteen Inches at the least if the Span exceed Nine Feet; and such Floor or Party Arch or Party Arches must be built with sufficient Abutments, and in a sufficient Manner.

PART V.—BUILDINGS OVER PUBLIC WAYS.

And with regard to Buildings extending over any public Way, as to the Part thereof which extends over such Way, so far as relates to the Separation of such Part from such public Way,—
If such Part be rebuilt, then it must be separated from such public Way either by a Floor or Arch formed of Brick or Stone or of other incombustible materials, subject to the Consent of the Official Referees, or by a Floor formed of Iron Girders and Brick Arches, or Stone Landings, or by an Arch formed of Brick or of Stone; which Arch, if the Span thereof do not exceed Nine Feet, must be of the Thickness of Nine Inches at the least, and which, if the Span exceed Nine Feet, must be of the Thickness of Thirteen Inches at the least.
And such Floor or Arch, with its Abutments, must be built in such Manner as shall be approved of by the Surveyor; but there must not be formed over any public Way a Ceiling of Lath and Plaster, or of Lath and Cement.

SCHEDULE (E).—(See § 5.)

RULES concerning external PROJECTIONS.

Porticoes projected over public Ways.

And with regard to the Portico or Porticoes of any Church, Chapel, Theatre, or other public Building of the Third Class,—
If the building of the same shall have been previously sanctioned by the Official Referees, by Writing under their hands, and if Objection be not made by any Party interested within One Month thereafter, and if, upon such Objection or Appeal, Her Majesty's Principal Secretary of State acting for the Home Department do not decide in favour thereof, then such Projections may be built over the Foot Pavement of any Street or Alley which shall be Fifty Feet wide at the least (notwithstanding any Act heretofore passed to the contrary).

Projections from Face Walls, &c.

And further, with regard to Buildings hereafter to be built or rebuilt, in reference to Projections therefrom,—
As to Copings, Parapets, Cornices to overhanging Roofs, Blocking Courses, Cornices, Piers, Columns, Pilasters, Entablatures, Facias, Door and Window Dressings, or other Architectural Decorations, forming Part of an external Wall, all such may project beyond the general Line of Fronts in any Street or Alley, but they must be built of the same Materials as are by this Act directed to be used for building the external Walls to which such Projections belong, or of such other proper and sufficient Materials as the Official Referees may approve and permit.
And as to all Balconies, Verandahs, Porches, Porticoes, Shop Fronts, open Inclosures of open Areas, and Steps, and Water Pipes, and to all other Projections from external Walls not forming Part thereof, every such Projection (except such Part of Shop Fronts, and the Frames and Sashes of the Windows and Doors, in reference to the necessary Wood-work thereof,) may stand beyond the general Line of Fronts in any Street or Alley, but they must be built of Brick, Tile, Stone, Artificial Stone, Slate, Cement, or Metal, or other proper and sufficient Fire-proof Materials; and they must be so built as not to overhang the Ground belonging to any other Owner, and so as to obstruct the Light and Air or be otherwise injurious to the Owners or Occupiers of the Buildings adjoining thereto on any Side thereof.

Projections from Walls of Buildings over public Ways.

And with regard to all Buildings hereafter to be built or rebuilt, in reference to Projections from the Walls of such Buildings, including Steps, Cellar Doors, and Area Inclosures, the Walls of all such Buildings must be set back so that all Projec-

tions therefrom, and also all Steps, Cellar Doors, and Area Inclosures, shall only overhang or occupy the Ground of the Owner of such Building, without overhanging or encroaching upon any public Way.

Projected Buildings beyond the general Line of Buildings and from other external Walls.

And with regard to Buildings already built or hereafter to be rebuilt, as to Bow Windows or other Projections of any Kind,—Such Projections must neither be built with nor be added to any Building on any Face of an external Wall thereof, so as to extend beyond the general Line of the Fronts of the Houses (which general Line may be determined by the Surveyor), except so far as is hereinbefore provided with regard to Porticoes projected over public Ways, and with regard to Projections from Face Walls and Shop Fronts, nor so as to overhang the Ground belonging to any other Owner, nor so as to obstruct the Light and Air or be otherwise injurious to the Owners or Occupiers of the Buildings adjoining thereto on any Side thereof.

Projections from insulated Buildings.

Provided always, with regard to any insulated Buildings, that if the Projections be at the least Eight Feet from any public Way, and if they be at least Twenty Feet from any other Building not in the same Occupation, then such Projections are exempted from the Rules and Directions of this Act.

Wooden Shop Fronts and Shutters.

And with regard to Shop Fronts and their Entablatures, their Shutters, and Pilasters and Stall Boards made of Wood,—If the Street or Alley in which such Front is situate be of less Width than Thirty Feet, then no Part of such Shop Front must be higher in any Part thereof than Fifteen Feet; nor must any Part, except the Cornice, project from the Face of a Wall, whether there be an Area or not, more than Five Inches; nor must the Cornice project therefrom more than Thirteen Inches.
If the Street or Alley be of a greater Width than Thirty Feet, then no Part of such Shop Front, except the Cornice, must project from the Face of a Wall, whether there be an Area or not, more than Ten Inches; nor must the Cornice project therefrom more than Eighteen Inches.
And the Width of such Street or Alley must be ascertained by measuring the same, as hereinafter directed with regard to the Widths of Streets and Alleys.
And the Wood-work of any Shop Front must not be fixed nearer than Four and a Half Inches to the centre Line of a Party Wall.
And with regard to such Wood-work, if it be put up at such Distance of Four and a Half Inches, then a Pier or Corbel built of Stone or of Brick or other incombustible Material, and of the Width of Four and a Half Inches at the least, must be fixed in the Line of the Party Wall, so as to be as high as such Wood-work, and so as to project One Inch at the least in front of the Face thereof.
And the Height of every Shop Front must be ascertained by measuring from the Level of the public Foot Pavement in front of the Building.
And every Sign or Notice Board fixed against or upon any Part of any House or other Building standing close to any public Way must be so fixed that the Top shall be within Eighteen Feet at the most above the Level of such public Way.

SCHEDULE (F.).—(See § 5.)

RULES CONCERNING CHIMNEYS hereafter built or rebuilt.

Construction.

With regard to Chimneys and Chimney Stacks, except angle Chimneys, in reference to the Construction thereof,—The Foundations and Footings of every such Chimney and Chimney Stack must be built similar to those of the Wall in or adjoining to which it shall be.
And every such Chimney and Chimney Stack must be built from the Foundation to the Top thereof without any Corbelling over, whereby any upper Part of the Brick-work of such Chimney or Chimney Stack shall overhang any lower Part of the Brick-work on the Front thereof.
Nevertheless, with regard to Buildings of the First Rate and extra First Rate, the Jambs, Breast, and Flue of any single Chimney may be built upon Brick, Stone, or Iron Corbels above the Ceiling of the Third Story of every such Building.
And with regard to Buildings of the Second and Third Rates, the Jambs, Breast, and Flue in any single Chimney may be built upon Brick, Stone, or Iron Corbels above the Ceiling of the Second Story of every such Building.
But the Projection both of such Jambs and Breasts must not in any Case exceed Nine Inches before the Face of the Wall or Stack to which the same shall adjoin.
And with regard to angle Chimneys, such Chimneys may be built in the internal Angle of any Building, so that the Width of the Breast thereof do not exceed Five Feet, and so that it be properly supported on Iron Girders with Brick Arches, or on strong Stone Landings not less than Four Inches thick, and tailed at least Nine Inches into each of the Two Walls forming such Angle.

Dimensions and Materials.

And with regard to Chimneys, in reference to the Dimensions of the Jambs thereof,—

The Jambs of every Chimney must not be less than Eight and a Half Inches wide on each Side of such Opening.

And with regard to Chimneys and Flues, in reference to the Thickness of the Brick-work thereof,—

The Breast of every Chimney, and the Front, Back, Withe, or Partition of every Flue, must be at the least Four Inches in Thickness of sound Bricks, properly bonded, and the Joints of the Work must be filled in with good Mortar or Cement, and all the Inside thereof, and also the Outside or Face thereof next the Interior of any Building, must be rendered or pargetted.

And with regard to Flues, in reference to the Dimensions thereof, no Flue may be used for a Smoke Flue which is of less internal Diameter in any Section than Eight and a Half Inches.

Timber or Wood-work.

And with regard to Chimneys, in reference to Timber,—

No Timber must be placed over any Opening for supporting the Breast of any Chimney, but there must be an Arch of Brick or Stone over the Opening of every such Chimney, to support the Breast thereof, and an Iron Bar or Bars must be built into the Jambs, at the least Nine Inches on each Side, to tie in the Abutments whenever the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Two Thirds of the Opening.

And no Timber or Wood-work must be placed or laid in any Wall under any Chimney Opening within Eighteen Inches at the least of the Surface of the Hearth to the Fireplace of such Chimney Opening.

And as to any Timber or Wood-work, in reference to the fixing thereof in or against any Wall containing Flues or against any Chimney Breast or Chimney Jamb,—

If Timber or Wood-work be affixed to the Front of any Jamb or Mantle, or to the Front or Back of any Chimney or Flue, then it must be fixed by Iron Nails or Holdfasts, or other Iron Fastenings, which must not be or be driven nearer than Four Inches to the Inside of any Flue or to the Opening of any Chimney, and such Timber or Wood-work must not be nearer than Nine Inches to the Opening of any Chimney.

And no Timber must be laid or placed within Three Inches of the Face, or Breast, Back, Side, or Jamb of any Flue, or of any Chimney Opening, where the Substance of Brick-work or Stone-work shall be less than Eight and a Half Inches thick, nor must any Flooring Board, Batten, Ground Skirting, or other Lining or Fitting of Wood, nor any Wood Staircase, nor anything else of Wood, be fixed or placed against or near to the Face, or Breast, Back, Side, or Jamb of any Flue, Fireplace, or Chimney Opening, unless and until the Brick or Stone-work constituting the same shall have been thoroughly and efficiently rendered or pargetted with proper Mortar or Stucco, and such rendering must be in every Case in addition to Four Inches at least of solid Fire-proof Structure.

Slabs and Hearths.

And a Slab or Slabs of Brick, Tile, Stone, Slate, Marble, or other proper and sufficient Substance, at the least Twelve Inches longer than the Opening of every Chimney when finished, and at the least Eighteen Inches in front of the Arch over the same, must be laid before the Opening of every Chimney.

And in every Floor, except the lowest Floor, such Slab or Slabs must be laid wholly upon Stone or Iron Bearers, or upon Brick Trimmers; but in the lowest Floor they may be laid on a Brick Fender, or bedded on the solid Ground.

And the Hearth of every Chimney must be laid and bedded wholly on Brick or Stone, or other incombustible Substance, which must be solid for a Thickness of Nine Inches at the least, beneath the Surface of any such Hearth.

Backs.

And as to the Back of every Chimney Opening of every Building (except Backs of Chimneys in the lowest Story of Buildings of the Fourth Rate), every such Back, in the lowest Story, must be at the least Thirteen Inches thick from the Hearth to the Height of Twelve Inches above the Mantle, and in every other Story at the least Eight and a Half Inches thick up to the same relative Height.

And as to the Backs of Chimney Openings in the lowest Story of Buildings of the Fourth Rate, such Backs must be at the least Eight and a Half Inches thick to the Height of Twelve Inches at the least above the Level of the Mantle:

Provided always, that if the Chimney be built in any Wall, not being a Party Wall, then the Back of every such Chimney Opening may be Four and a Half Inches less than the several thicknesses above described.

Chimney Openings, Back to Back.

And as to Backs of all such Chimney Openings, if Two Chimneys be built Back to Back, then the Thickness between the same must be at the least of the Thickness hereinbefore described for the Back of One Chimney Opening.

Angles of Flues.

And as to all Flues, in reference to the Angles thereof,—

If any Flue be built with sufficient Openings in it of not less Size than Nine Inches square, and proper close Iron Doors and Frames inserted in such Openings, so that every part of such Flue may be swept by Machinery, then every Angle in such Flue may be of any Degree.

But if it be not so built then every such Angle must be One hundred and thirty-five Degrees at the least.

And every salient or projecting Angle within a Flue must be rounded off Four Inches at the least, and protected by a rounded Stone or Iron Bar.

Close Fires.

And as to every Oven, Furnace, Cokel, or close Fire used for the Purpose of Trade or Manufacture, it must be Six Inches at the least distant from any Party Wall, and must not be upon nor within a Distance of Eighteen Inches of any Timber or Wood-work.

And the Floor on or above which such Oven, Furnace, Cokel, or close Fire shall be built or fixed must be formed and paved under, and for a Distance of Two Feet all round the same, with Stone, Brick, Tile, or Slate, at the least Two Inches thick, or other proper incombustible and non-conducting Materials.

Chimney Shafts.

And as to Chimney Shafts or Flues,—

Every Chimney Shaft or Flue hereafter built, raised, or repaired, must be carried up in Brick or Stone-work all round, at least Four Inches thick, to a Height of not less than Three Feet above the highest Part of such Portion of the Roof, Flat, or Gutter, adjoining thereto, measured at the Point of Junction.

And as to any Chimney Shaft (except that of a Steam-Engine, Brewery, Distillery, or Manufactory), the Brick or Stone-work of such Shaft or Flue must not be built higher than Eight Feet above the Slope, Flat, or Gutter of the Roof which it adjoins, measured from the highest Point of Junction, unless such Chimney Shaft be built of increased Thickness, or be built with and bonded to another Chimney Shaft, or be otherwise rendered secure.

And as to the Chimney Shaft for the Boiler Furnaces of any Steam-Engine, or for any Brewery, Distillery, or Manufactory, such Shaft may be erected of any Height, so that it be built in such manner and of such Strength and Dimensions as shall be satisfactory to the Official Referees, upon special Application in each Case.

Chimney Pots, Tubes, &c.

And as to Earthen or Metal Chimney Pots, Tubes, Funnels, or Cows of any Description whatsoever, if such Pot, Tube, Funnel, or Cowl be higher than Four Feet above the Brick or Stone-work of the Flue on which the same shall be placed, then it must be fixed Two Feet at the least into the Brick or Stone Work of the Flue on which it shall be placed.

Smoke Pipes.

And as to any Metal or other Pipe or Funnel for conveying Smoke, heated Air, or Steam, in reference to the Position thereof, such Pipe or Funnel must not be fixed against or in front of any Face of any Building in any Street or Alley, nor on the Inside of any Building nearer than Fourteen Inches to any Timber or other combustible Material.

Cuttings into Chimneys.

And as to every Chimney Shaft, Jamb, Breast, or Flue already built, or which shall be hereafter built, in reference to cutting the same, no such Erection shall be cut into for any other Purpose than the repair thereof, or for the Formation of Soot Doors, or for letting in, removing, or altering Stove Pipes or Smoke Jacks, except as directed for building an external Wall against an old sound Party Wall.

SCHEDULE (G.)—(See § 5.)**RULES concerning ROOF COVERINGS.***Materials.*

With regard to Roof Coverings, in reference to the Materials thereof,—

If the external Parts of any Roof, Flat, or Gutter of any Building, or of any Projection therefrom, and of any Turret, Dormer, Lantern-light, and other Erection on the Roof, or Flat of any Building, be hereafter built or rebuilt, stripped, ripped or uncovered, then every such Part (except the Door Frames and Doors, Window Frames and Sashes of such Turrets, Dormers, Lantern-lights, or other Erections,) must be covered with Slates, Tiles, Metal, Glass, artificial Stone or Cement, and such excepted Parts may be made of such Wood as shall be necessary.

Rain-Water Pipes.

And with regard to the Roof, Flat, and Gutter of any building, and of any Projection therefrom, and also Balconies, Verandahs, and Shop Fronts, they must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom dropping on to or running over any public Way.

SCHEDULE (H.)—(See § 5 & 51.)**RULES concerning DRAINS to Buildings hereafter built.***Drains into Sewers.*

With regard to the Drains of Buildings of any Class, and of every addition thereto,—

Before the several Walls of any such Building shall have been built to the Height of Ten Feet from their Foundations the Drains thereof must have been properly built and made good; (that is to say) if there be within One hundred Feet from

any Front of the Building, or from the Inclosure about the Building, a Common Sewer into which it is lawful and practicable to drain, then into such Common Sewer; and if there be not in such Situation and within such Distance any such Common Sewer, then to the best Outlet that can be obtained, so as to render in either Case such Drains available for the Drainage of the lowest Floor of such Building, or Addition thereto, and also of its Areas, Water-closets, Privies, and Offices (if any).

And the Inside of the Main Drains under and from every Building for carrying off Soil must be in transverse Section at the least equal to a circular Area of at least Nine Inches in Diameter.

And every such Drain must be laid to a Fall or Current of at the least Half an Inch to Ten Feet, and so as that the whole of every such Drain within the Walls of such Building shall be wholly covered over under the lowest Floor, and independently thereof.

And every such Drain within the Walls of such Building must be built and covered over with Brick, Stone, or Slate, and so as to render the Drain air-tight.

And every Part of such Drain inside and outside the Walls of every Building must be built of Brick, Tile, Stone, or Slate, set in Mortar or Cement.

Cesspools and Privies.

And with regard to Cesspools and Privies,—

If there be a Common Sewer within Fifty Feet from any Front of or from the Inclosure about any House or other Building, then a Cesspool must not be made for the Reception of Drainage from such House or other Building, unless there be or shall be built a good and sufficient Drain from such Cesspool to such Common Sewer.

And if any Cesspool be built under a House or other Building, then such Cesspool must be built air-tight.

And every Privy built in the Yard or Area of any Building, or under any Street or Alley, must have a Door, and be otherwise properly inclosed, screened, and fenced from public View.

SCHEDULE (I.)—(See § 5 & 52.)

RULES concerning STREETS and ALLEYS hereafter formed.

Width.

With regard to every such Street or Alley hereafter to be formed, in reference to the Width thereof, every Street or Alley must be of at the least the following Width from Front to Front in every part thereof respectively; that is to say,—

Every Street (excepting any Mews) must be of the Width of Forty Feet at the least; but if the Buildings fronting any Street be more than Forty Feet high from the Level of the Street, then such Street must be of a Width equal at the least to the Height of the Buildings above such Level.

Every Alley and every Mews must be of the Width of Twenty Feet at the least; but if the Buildings fronting any Alley, or to any Mews, be more than Twenty Feet high from the Level of the Alley or Mews, then such Alley or Mews must be of a Width equal at the least to the Height of the Buildings above such Level.

Entrances to Alleys.

And with regard to every such Alley, in reference to the Entrance thereof, every Alley must have Two Entrances thereto, each being at the least of the full Width of the Alley, and one of the Two at the least open from the Ground upwards.

Measurement of Width.

And with regard both to such Streets and Alleys, the aforesaid Width is to be ascertained by measuring (at Right Angles to the Course thereof) from Front to Front of the Buildings on each Side of such Street or Alley.

SCHEDULE (K.)—(See § 5 & 53.)

RULES concerning DWELLING HOUSES hereafter built or rebuilt, with regard to Back Yards and Areas, and Rooms under Ground and in the Roof.

Back Yards.

With regard to Back Yards or open Spaces attached to Dwelling Houses,—

Every House hereafter built or rebuilt must have an inclosed Back Yard or open Space of at the least One Square, exclusive of any Building thereon, unless all the Rooms of such House can be lighted and ventilated from the Street, or from an

Area of the Extent of at least Three Quarters of a Square above the Level of the Second Story, into which the Owner of the House to be rebuilt is entitled to open Windows for every Room adjoining thereto.

And if any House already built be hereafter rebuilt, then, unless all the Rooms of such House can be lighted and ventilated from the Street, or from an Area of the Extent of at the least Three Quarters of a Square, into which the Owner of the House to be rebuilt is entitled to open Windows for every Room adjoining thereto, there must be above the Level of the Floor of the Third Story an open Space of at least Three Quarters of a Square.

And with regard to every Building of the First Class,—

Every such Building must be built with some Roadway, either to it or to the Inclosure about it, of such Width as will admit to one of its Fronts of the Access of a Scavenger's Cart of the ordinary Size of such Carts.

Lowermost Rooms.

And with regard to the lowermost Rooms of Houses, being Rooms of which the Surface of the Floor is more than Three Feet below the Surface of the Footway of the nearest Street or Alley, and to Cellars of Buildings hereafter to be built or rebuilt,—If any such Room or Cellar be used or intended to be used as a separate Dwelling, then the Floor thereof must not be below the Surface or Level of the Ground immediately adjoining thereto, unless it have an Area, Fireplace, and Window as required for Rooms and Cellars of existing Buildings let separately, and used as a separate Dwelling, and unless it be properly drained.

And with regard to every such lowermost Room or Cellar in any existing Building used or intended to be used as a separate dwelling,—

There must be an Area not less than Three Feet wide in every Part, from Six Inches below the Floor of such Room or Cellar to the Surface or Level of the Ground adjoining to the front, back, or external Side thereof, and extending the full Length of such Side.

And such Area, to the Extent of at least Five Feet long and Two Feet Six Inches wide, must be in front of the Window of such Room or Cellar, and must be open, or covered only with open Iron Gratings.

And there must be made for every such Room or Cellar an open Fireplace, with proper Flue therefrom.

And there must be a Window Opening of at the least Nine superficial Feet in Area, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half superficial Feet must be made to open for Ventilation.

Attic Rooms.

And with regard to Rooms in the Roof of any Building hereafter built or rebuilt, in reference to the Number of Floors of Rooms in the Roof, and to the Height of such Rooms, there must not be more than One Floor of such Rooms, and such Rooms must not be of a less Height than Seven Feet, except the sloping Part, if any, of such Roof, which sloping Part must not begin at less than Three Feet Six Inches above the Floor, nor extend more than Three Feet Six Inches on the Ceiling of such Room.

Rooms in other Parts.

And with regard to Rooms in other Parts of the Building, in reference to the Height thereof, every Room used or intended to be used as a separate Dwelling must be of, at the least, the Height of Seven Feet from the Floor to the Ceiling.

SCHEDULE (L.)

LIST OF FEES payable to the SURVEYORS under this Act.

Fees for New Buildings.

	Dwelling House Class	Warehouse Class.	Public Buildings Class.
	£. s. d.	£. s. d.	£. s. d.
For any Building erected on old or new Foundations, as follows:—			
If the Building be of the 1st Rate	3 10 0	3 10 0	3 10 0
Ditto extra 1st Ditto	5 5 0		5 5 0
Ditto 2d Ditto	3 3 0	3 3 0	3 3 0
Ditto 3d Ditto	2 10 0	2 10 0	2 10 0
If the Building be of the 4th Rate, and contain more than Two Stories	2 2 0	2 2 0	2 2 0
If the Building be of the 4th Rate, and do not contain more than Two Stories	1 10 0	2 2 0	1 10 0
And with regard to Buildings of the Warehouse Class, a further Fee to be paid in respect of any additional 200,000 Cubic Feet, or Portion of 200,000 Cubic Feet, in any such Building, beyond the first 200,000 Cubic Feet		Equal to One Half of the above Fees respectively.	

	Dwelling House. £. s. d.	Warehouse. £. s. d.	Public Buildings. £. s. d.
And for inspecting and reporting to the Official Referees (s. 24.) on Party Walls and intermixed Buildings,—			
If the Building be of the 1st Rate	3 10 0	3 10 0	3 10 0
Ditto . . . extra 1st Ditto	5 5 0		5 5 0
Ditto . . . 2d Ditto	3 3 0	3 3 0	3 3 0
Ditto . . . 3d Ditto	2 10 0	2 10 0	2 10 0
If the Building be of the 4th Rate, and contain more than Two Stories	2 2 0	2 2 0	2 2 0
If the Building be of the 4th Rate, and do not contain more than Two Stories	1 10 0	2 2 0 .	1 10 0
For every insulated Building	1 1 0	1 1 0	1 1 0
For every detached Building built for the Purposes of Trade or Collection of Toll			10s. 6d.
For every attached or detached Building, distinctly rated (except any such attached or detached Building built at the same Time as the Building to which it belongs, and carried up and covered in within 21 Days after such Building shall have been covered in within the Meaning of this Act), such Fee as is hereby imposed in respect of Additions to or Alterations of Buildings of the Rate to which such attached or detached Buildings shall belong.			

Fee for Additions or Alterations.

For every Addition or Alteration made to any Building (after the Roof thereof shall have been covered in) which shall involve the Execution of Works subject to the Regulations of this Act, the following Fees; that is to say,—

	£. s. d.
If the Building be of the 1st Rate	1 15 0
Ditto . . . extra 1st Ditto	2 10 0
Ditto . . . 2d Ditto	1 10 0
Ditto . . . 3d Ditto	1 5 0
If the Building be of the 4th Rate, and contain more than Two Stories	0 15 0
If the Building be of the 4th Rate, and do not contain more than Two Stories	0 10 0
And with regard to Buildings of the Warehouse Class, a further Fee, equal to One Half of the above Fees respectively, to be paid in respect of every additional 200,000 Cubic Feet, or any Portion of 200,000 Cubic Feet, in any such Building, beyond the first 200,000 Cubic Feet.	

Fees for special Duties.

For the following special Duties performed by any Surveyor, according to the Enactments of this Act, where such Duties shall not be performed incidentally to the building or rebuilding of or adding to or altering any Building in respect of which any other Fees may be payable; that is to say,—

For attending to the cutting away of Chimney Breasts for external Walls,—

	£. s. d.
If the Building be of the 1st Rate	3 3 0
Ditto . . . extra 1st Ditto	3 3 0
Ditto . . . 2d Ditto	2 2 0
Ditto . . . 3d Ditto	1 1 0
If the Building be of the 4th Rate, and contain more than Two Stories	0 10 6
If the Building be of the 4th Rate, and do not contain more than Two Stories	0 10 6
For condemning Party Fence Walls	0 10 0
For the Inspection and Removal of Projections and ruinous Buildings	0 10 0
For surveying Party Walls not kept in repair, and consenting to Notice of Repair being served	0 10 0
For inspecting Arches or Stone Floors over public Ways	0 10 0
For inspecting Formation of Openings in Party Walls	0 10 0

Fees for special Services not expressly provided for.

For any Service performed by any Surveyor which is required by this Act, but not comprehended under any of the foregoing Heads,—

Such Fee, not exceeding 2*l.*, as the Official Referees shall by Writing under their Hands order and appoint, with the Consent of the Commissioners of Works and Buildings.

SCHEDULE (M).—METROPOLITAN BUILDINGS ACT.—SUMMARY OF PROCEEDINGS to be taken or observed before and after Notices in relation to Buildings.					
Section of the Act.	Stages of Proceedings.	Steps to be taken.	By whom taken.	With reference to whom taken.	Form of Notice to be given.
	WORKS GENERALLY.				
§ 13.	Before commencing the Operations specified in this Section.	Two Days' Notice to be given	By the Builder. See Definition, § 13.	To the District Surveyor	See Form, No. 1.
§ 13.	Before resuming Operations, after being suspended for a Period exceeding Three Months.	Two Days' Notice to be given	By the Builder. See Definition, § 13.	To the District Surveyor	See Form, No. 2.
§ 13.	On Change of Architect, Master Builder, or other Superintendent.	Two Days' Notice to be given	By the Builder. See Definition, § 13.	To the District Surveyor	See Form, No. 3.
§ 14.	On the Occurrence of any Irregularity in Building Operations.	48 Hours Notice to be given	By the District Surveyor.	To the Builder.	See Form, No. 4.
§ 37.	As to Openings hereafter made in external Walls abutting on adjoining Ground or Buildings.	Notice to stop up within One Month.	By adjoining Owner.	To Owner of external Wall.	See Form, No. 5.
§ 15.	SPECIAL SUPERVISION. On Completion of the Cases of a Building subject to special Supervision.	Notice for Inspection thereof.	By the Architect or Builder.	To the Official Referee	See Form, No. 6.
§ 15.	On Completion of Amendments, or the entire Completion of a Building, subject to special Supervision.	Notice relative thereto.	By the Architect or Builder.	To the Official Referee	See Form, No. 7.
§ 30, 31, 24, 25.	Before Survey, Repair, or pulling down of a Party Wall, Party Arch, or Party Fence Wall.	Three Months' Notice before Operations.	By the Building Owner. See Definition § 13.	To the adjoining Owner	See Form, No. 8.
§ 34.	In the same Case.	Notice for Survey.	By the Building Owner. See Definition § 13.	To the District Surveyor and Official Referee	See Form, No. 9.
—	In the same Case.	Appointment of Survey.	By the District Surveyor.	To the Owners and Agents, &c.	See Form, No. 10.
—	As to pulling down Rooms in intermixed Property, and repairing or rebuilding Party Fence Walls.	Notice of Intention to build a Party Wall, or as directed by Official Referee.	By the Building Owner	To the adjoining Owner and District Surveyor. § 20.	See Form, No. 11.
—	In the same Case.	Notice for Inspection thereof.	By the Building Owner	To the District Surveyor & Official Referee	See Form, No. 12.
—	In the same Case.	Appointment of Survey.	By the District Surveyor.	To the Owners and Agents, &c.	See Form, No. 13.
§ 35.	As to pulling down a Timber Partition, and erecting or raising a Party Wall.	Three Months' Notice of Intention to build or raise a Party Wall.	By the Building Owner	To the adjoining Owner	See Form, No. 14.
§ 36.	Excavation against existing Party Wall for a deeper Story, and for the Erection of an external Wall.	One Month's Notice of Intention to cut away Footings or Breast or Shaft of a Party Wall.	By the Building Owner	To the adjoining Owner	See Form, No. 15.
§ 38.	Building a Party Wall on Line of Junction of Two Pieces of vacant Ground.	One Month's Notice for Consent of adjoining Owner.	By the Building Owner	To the adjoining Owner	See Form, No. 16.
§ 38.	In the same Case.	Notice of Consent.	By the adjoining Owner	To the Building Owner	See Form, No. 17.
§ 38.	Modification or Delay of Intended Work to suit adjoining Owner.	Seven Days' Notice for Consent.	By the adjoining Owner	To the Building Owner	See Form, No. 18.
—	In the same Case.	Application for Decision.	By the adjoining Owner	To the Official Referee	See Form, No. 19.
—	In the same Case.	Notice of Application.	By the adjoining Owner	To the Building Owner	See Form, No. 20.

SCHEDULE (M.)—Continued.

FORMS OF NOTICES AS TO WORKS.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13, 1844.

1.—*Notice by the Builder to the District Surveyor Two Days before commencing Operations.*

I do hereby give you Notice, That I intend to ⁽¹⁾ and that C.D. of is to be the ⁽²⁾ of
 the Works to be executed; and that the said Works will be begun on the Day of
 Dated this Day of

(Signature and Address.)

. Certain Penalties are attached to Neglect in giving this Notice.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13, 1844.

2.—*Notice by the Builder to the District Surveyor Two Days before resuming Operations.*

I do hereby give you Notice, That I intend to re-commence the ⁽²⁾ and that C.D. of is to
 be the ⁽²⁾ of the Works to be resumed; and that the said Works will be continued on the
 Day of
 Dated this Day of

(Signature and Address.)

. Certain Penalties are attached to Neglect in giving this Notice.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13, 1844.

3.—*Notice by the Builder to the District Surveyor as to Change of Builder.*

I do hereby give you Notice, That, with reference to the Works specified in my Notice of last
 E.P. ⁽²⁾ is to be placed in charge of the said Works, instead of C.D. the ⁽²⁾
 mentioned in the said Notice.
 Dated this Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 14, 1844.

4.—*Notice by the District Surveyor to the Builder as to any thing done in the Erection of any Building not conformably to the Act.*

I do hereby give you Notice, That the ⁽⁴⁾ now in progress ⁽⁵⁾ situate in ⁽⁶⁾
 is not conformable to the Statute in the Portions thereof under mentioned; and I require you, within Forty-eight Hours
 from the Date hereof, to amend the same.
 Dated this Day of at the Hour of by the Clock.
Note Irregularities referred to.

(Signature.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 37, 1844.

5.—*Notice by an Owner or Occupier to an adjoining Owner or Occupier to stop up an Opening in an external Wall abutting on his Premises.*

I do hereby give you Notice, That if within One Month from the Date hereof you do not stop up the Opening made in the
 external Wall of your Premises situate in ⁽⁷⁾ and which abuts on my ⁽⁸⁾ I shall, at your
 Expense, cause the same to be stopped up, conformably to the Statute.
 Dated this Day of

(Signature and Address.)

(1) *Describing the Erection or intended Operation in general Terms, and whether it relate to any of the following Matters:—*

"The Erection of any Building;"

or "The making of any Addition to or Alteration in any Building;"

or "The building, pulling down, rebuilding, cutting into, or altering any Party Wall, external Wall, Chimney Stack, or Flue;"

or The making of "any Opening in any Party Wall;"

or The doing of "any other Matter or Thing by this Act placed under the Supervision of the Surveyor."

(2) *Insert "Architect," or "Builder," or other Superintendent to have charge of the Works.*(3) *Describing in general Terms the Works referred to in Notice No. 1., and which Works may have been suspended Three Months.*(4) *Insert "Building," or "Alterations," or "Building Operations," as the Case may be.*(5) *Insert "under your Superintendence," or "in the Building belonging to you," as the Case may be.*(6) *Insert the Situation, as the Case may be.*(7) *Specify the Situation.*(8) *Insert "Ground" or "Building adjoining."*

FORMS OF NOTICES AS TO SPECIAL SUPERVISION.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 15, 1844.

6.—*Notice by an Architect or Builder to the Official Referees as to Completion of the Carcass of a Building subject to special Supervision.*

I do hereby give you Notice, That the Building now erecting under my Superintendence in ⁽¹⁾ being a Building of the ⁽²⁾ and having been completed to the full Height of the Walls thereof, and the Timbers, Floors, Roofs, and Partitions being fixed, I require you, in accordance with the Statute, should you be of opinion that the Building is subject to special Supervision, to survey the same, and to certify accordingly.

Dated this

Day of

(Signature and Address.)

[*• A Penalty of Two hundred Pounds per Day for using any such Building without its being certified subsequent to Notice as above and following.]

METROPOLITAN BUILDINGS ACT, VICT. c. s. 15, 1844.

7.—*Notice by an Architect or Builder to the Official Referees as to Completion of Amendments, and of Buildings subject to special Supervision.*

I do hereby give you Notice, That the Building now erecting under my Superintendence in ⁽¹⁾ being a Building of the ⁽²⁾ and having been completed in pursuance of your Survey and Notice subsequent, I require you, in accordance with the Statute, to survey the same, and to certify accordingly.

Dated this

Day of

(Signature and Address.)

[*• This Notice will be used both with reference to the Completion of Amendments and to the entire Completion of a Building.]

FORMS OF NOTICES AS TO PARTY WALLS, &c.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20, 21, 24, 25, 1844.

8.—*Notice to be given (Three Months before commencing Operations) by an Owner or Occupier, to an adjoining Owner or Occupier, that the Party Wall or Party Arch or Party Fence Wall is out of repair.*

I do hereby give you Notice, That I apprehend that the ⁽²⁾ or some part thereof, on the Line of Junction between my ⁽¹⁾ situate &c., and the ⁽⁴⁾ thereto adjoining, situate on the Side thereof, is so far out of repair ⁽³⁾ as to render it necessary to ⁽⁶⁾ such Wall or some Part thereof; and that I intend to have such Wall surveyed, pursuant to the Statute; and also that I have given notice to the Surveyor of the District and to the Official Referees to survey the Premises for the Purpose of certifying the Condition of such Wall, and whether the whole or any Part thereof ought to be repaired or pulled down and rebuilt, and to certify accordingly.

Dated this

Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20, 1844.

9.—*Notice, in the same Case, to the Surveyor and Official Referees.*

I do hereby give you Notice, That I apprehend that the ⁽²⁾ or some Part thereof, on the Line of Junction between my ⁽¹⁾ situate in and the ⁽⁴⁾ thereto adjoining, situate on the Side thereof, is so far out of repair ⁽³⁾ as to render it necessary to repair or pull down and rebuild such Wall or some Part thereof; and that I require a Survey thereof to be made, pursuant to the Statute, and that in Presence of such One or more Surveyors or Agents appointed by me, as under mentioned, or by C.D., the Owner of the adjoining Property, for the Purpose of certifying the Condition of such Wall, and whether the whole or any Part thereof

(1) Specify the Situation.

(2) Insert "First Rate of Second Class," or "of the Third Class," as the Case may be.

(3) Insert "Party Wall," or "Party Arch," or "Party Fence Wall," as the Case may be.

(4) Insert "House," or "Building," or "Ground," as the Case may be.

(5) Insert, when required, "or has been rendered dangerous and ruinous by cutting away Footings," or "Breasts," or "Chimney Shafts."

(6) Insert "repair," or "pull down and rebuild," as the Case may be.

ought to be repaired or pulled down and rebuilt; and I do hereby also intimate that I have served a Notice on C.D. to the like Effect.

Dated this _____ Day of _____
Names and Addresses of One or more Surveyors or
Agents for Building Owner.

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 20. and 24, 1844.

10.—Notice, in the same Case, by the District Surveyor to the Building Owner and adjoining Owner, and such One or more Surveyors and Agents by them appointed.

I _____ Surveyor of the District, do hereby give you Notice, That, in pursuance of an Application made to the Official Referees and to me in that behalf, it is my Intention to proceed to view the Premises ⁽¹⁾ situate in _____ for the Purpose of certifying the Condition of the ⁽²⁾ and whether any part thereof is so far out of repair as to require to be either wholly or in part repaired or pulled down and rebuilt; and such Survey I do intend to make on the _____ Day of _____ next at _____ by the Clock in the _____ noon, in the Presence of any One or more Surveyors or Agents on behalf of the Building Owner and the adjoining Owner.
Dated this _____ Day of _____ (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 33, 34, 1844.

11.—Notice to be given, Three Months before commencing Operations, by an Owner to an adjoining Owner.

I do hereby give you Notice, that I intend to ⁽³⁾ and that I intend to have such ⁽⁴⁾ surveyed conformably to the Statute; and that I have given Notice to the District Surveyor and to the Official Referees to survey the Premises, and to certify accordingly.
Dated this _____ Day of _____ (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 33, 34, 1844.

12.—Notice in the same Case, to the Surveyor and Official Referees.

I do hereby give you Notice, That I intend to ⁽⁵⁾ and that I require a Survey thereof to be made pursuant to the Statute, and that in Presence of such One or more Surveyors or Agents appointed by me, as under mentioned, or by C.D. the Owner of the adjoining Property, for the Purpose of certifying whether the whole or any Part ⁽¹⁾ ought to be pulled down and rebuilt; and I do also intimate that I have served a Notice on C.D. to the like Effect.

Dated this _____ Day of _____
Names and Addresses of One or more Surveyors or
Agents for Building Owner.

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 33, 34, 1844.

13.—Notice in the same Case, by the District Surveyor to the Building Owner and adjoining Owner, and such One or more Surveyors and Agents by them appointed.

I _____ Surveyor of the District, do hereby give you Notice, That, in pursuance of an Application made to the Official Referees and to me in that Behalf, it is my Intention to proceed to view the Premises ⁽¹⁾ situate in _____ for the Purpose of certifying whether any Part of such ⁽²⁾ require to be ⁽³⁾ and such Survey I do intend to make on the _____ Day of _____ next, at _____ by the Clock in the _____ noon, in the Presence of any One or more Surveyors or Agents whom the Parties concerned shall appoint for that Purpose.
Dated this _____ Day of _____

(Signature.)

⁽¹⁾ Designated by Number or other Name.

⁽²⁾ Insert "Party Wall," or "Party Arch," or "Party Fence Wall," as the Case may be.

⁽³⁾ Specify the Kind of Operation, as to whether it be intended—

"To raise a Party Fence Wall;"

or "To repair or rebuild a Party Fence Wall;"

or "To pull down and rebuild Rooms in intermixed Property, &c.;"

and specifying the Situation, &c.

⁽⁴⁾ Insert "Party Fence Wall," or "Rooms in intermixed Property."

⁽⁵⁾ Specify the Kind of Operation intended.

⁽⁶⁾ Insert "raised," or "repaired," or "pulled down and rebuilt," as the Case may be.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 26, 1844.

14.—*Notice to be given, Three Months before commencing Operations, by an Owner to an adjoining Owner, where no Survey is required.*

I do hereby give you Notice, That I intend to ⁽¹⁾
Dated this Day of

pursuant to the Statute.

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 28, 1844.

15.—*Notice of Intention to build an external Wall against existing Party Wall, and for that Purpose to cut away Footings, Breast and Shaft of an existing Party Wall.*

I do hereby give you Notice, That it is my intention, One Month after the Date hereof, to build an external Wall against the existing Party Wall by which our Premises are parted, situate , and to cut away such Portion of the Footings or Chimney Breast or Shaft in such Party Wall as will be necessary for that Purpose.

Dated this Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 38, 39, 1844.

16.—*Notice of Desire to build a Party Wall on the Line of Junction of Two Pieces of vacant Ground.*

I do hereby give you notice, That I desire to build partly on my Land or Ground adjoining your vacant Ground, and partly on your vacant Ground, on the Line of Junction of the said Premises, ⁽²⁾ which will be of the under-noted Thicknesses and Dimensions; and should you consent thereto I require you to signify such Consent in Writing on or before the Day of next.

Dated this Day of

(Signature and Address.)

Note of the Thickness and Dimensions.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 38, 39, 1844.

17.—*Notice of Consent to the building of a Party Wall on the Line of Junction of Two Pieces of vacant Ground.*

I do hereby give you Notice, That I consent to the building of a ⁽³⁾ partly on my Land or Ground adjoining your vacant Ground on the Line of Junction of the said Premises, which I require to be of the under-mentioned Thicknesses and Dimensions, and other Particulars.

Dated this Day of

(Signature and Address.)

Note of the Thickness and Dimensions, and other Particulars.

FORMS OF NOTICES AS TO MODIFICATION OR DELAY OF INTENDED BUILDING OPERATIONS.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 22, 33, 1844.

18.—*Requisition to a Building Owner by an adjoining Owner as to Modification or Delay of intended Work on his Behalf.*

I do hereby give you Notice, That I require you to ⁽³⁾ the works specified in your Notice of the Day of in consequence of the Inconvenience and Loss that would arise to me if the same were executed at the Time proposed by you; and if you do not consent hereto, or dissent therefrom, within Days, then, in pursuance of the Statute, you are hereby required to delay your intended Operations until the Official Referees shall have determined thereon.

Dated this Day of

(Signature and Address.)

Note of Modifications.

⁽¹⁾ *Specify the Kind of Operation, as to whether it be intended—*

"To pull down a Timber Partition, and instead thereof to build a Party Wall," or "to rebuild a sound Party Wall"

or "To raise a Party Wall."

⁽²⁾ *Insert "Party Wall," or "Party Fence Wall," or "external Wall," as the Case may be.*

⁽³⁾ *Insert "modify, as under noted," or "delay until the Day of , as the Case may be."*

METROPOLITAN BUILDINGS ACT, VICT. c. a. 22, 23, 1844.

19.—*Notice by an adjoining Owner to the Official Referees as to the Modification or Delay of intended Works of a Building Owner.*

I do hereby give you Notice, that C. D. of _____ having specified in his Notice of the _____ Day of _____
 certain Works to be executed subsequent to the _____ Day of _____ next, and I
 having served upon him a Requisition in reference to the ⁽¹⁾ _____ of the Works so intended by him, in conse-
 quence of the Inconvenience and Loss that would arise to me if the same were executed at the Time proposed by him, and he
 not having attended thereto, it is my Desire that a Survey be made, in pursuance of the Statute, with reference to such
 Works, and the Notices referred to. Dated this _____ Day of _____ ⁽²⁾
 (Signature and Address)

Note of Modifications.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 22, 23, 1844.

20.—*Notice by an adjoining Owner to a Building Owner as to Application to the Official Referees for Survey of intended Works with reference to the Modification or Delay thereof.*

I do hereby give you Notice, That, in consequence of your not consenting to the ⁽²⁾ _____ of the Works
 intended by you, as specified in my Requisition of the _____ Day of _____ last, I have applied to the
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 Dated this _____ Day of _____ ⁽³⁾
 (Signature and Address)

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⁽¹⁾ Insert "Modification as under noted," or "Delay until the

Day of

," as the Case may be.

⁽²⁾ Within Seven Days after the previous Requisition.⁽³⁾ "Modification" or "Delay," as the Case may be.

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CAP. LXXXV.

AN ACT to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *If, after twenty-one years from the passing of the Act for the construction of any future railway, the profits shall exceed 10l. per cent., the Treasury may revise the scale of tolls, and fix a new scale.—Proviso.*
2. *Option of purchase of future railways.—Proviso.*
3. *Existing railways not to be subjected to the options.*
4. *Reservation to Parliament of the consideration of future policy in regard to the said options.*
5. *Accounts to be kept, and to be open to inspection.*
6. *Companies to provide one cheap train each way daily.*
7. *Penalty for non-compliance.*
8. *Board of Trade to have a discretionary power of allowing alternative arrangements.*
9. *When no tax to be levied.*
10. *Where companies run trains on the Sunday, cheap trains to be likewise provided.*
11. *Railway companies to afford additional facilities for the transmission of the mails.*
12. *Certain companies to convey military and police forces at certain charges.*
13. *Companies to allow lines of electrical telegraph to be established.*
14. *Electrical telegraph established by private parties to be open to the public.*
15. *Appointment of inspectors by Board of Trade.*
16. *Repealing provision of 3 & 4 Vict. c. 97.*
17. *If railway companies contravene or exceed the provisions of their Acts, or of any general Act, the Board of Trade to certify the same to the Attorney General, &c., who shall proceed against them.*
18. *Notice to be given to the company.—Prosecutions to be under the sanction of the Board of Trade, and within one year after the offence.*
19. *Issue of loan notes and other illegal securities by railway companies prohibited.—Loan notes already issued may be renewed.*
20. *Loan notes already issued to be paid when due.*
21. *Register of loan notes.*

- 22. *Remedy for recovery of tithe-rent charged on railway land.*
- 23. *Communications to and from Board of Trade, service of notices, &c.*
- 24. *Penalties.*
- 25. *Interpretation of Act.*
- 26. *Act may be amended this session.*

By this Act,

After reciting that it is expedient that the concession of powers for the establishment of new lines of railway should be subjected to such conditions as are hereinafter contained for the benefit of the public:—

It is Enacted,

1. That if at any time after the end of twenty-one years from and after the 1st of January next after the passing of any Act of the present or of any future session of Parliament for the construction of any new line of passenger railway, whether such new line be a trunk, branch, or junction line, and whether such new line be constructed by a new company incorporated for the purpose, or by any existing company, the clear annual profits divisible upon the subscribed and paid-up capital stock of the said railway, upon the average of the three then last preceding years, shall equal or exceed the rate of 10*l*. for every 100*l*. of such paid-up capital stock, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, subject to the provisions hereinafter contained, upon giving to the said company three calendar months notice in writing of their intention so to do, to revise the scale of tolls, fares, and charges limited by the Act or Acts relating to the said railway, and to fix such new scale of tolls, fares, and charges, applicable to such different classes and kinds of passengers, goods, and other traffic on such railway, as in the judgment of the said Lords Commissioners, assuming the same quantities and kinds of traffic to continue, shall be likely to reduce the said divisible profits to the said rate of 10*l*. in the 100*l*.: Provided always, that no such revised scale shall take effect, unless accompanied by a guarantee to subsist as long as any such revised scale of tolls, fares, and charges shall be in force, that the said divisible profits, in case of any deficiency therein, shall be annually made good to the said rate of 10*l*. for every 100*l*. of such capital stock: Provided also, that such revised scale shall not be again revised or such guarantee withdrawn, otherwise than with the consent of the company, for the further period of twenty-one years.

11. That whatever may be the rate of divisible profits on any such railway it shall be lawful for the said Lords Commissioners, if they shall think fit, subject to the provisions hereinafter contained, at any time after the expiration of the said term of twenty-one years, to purchase any such railway, with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said company three calendar months notice in writing of their intention, and upon payment of a sum equal to twenty-five years purchase of the said annual divisible profits, estimated on the average of the three then next preceding years: Provided that if the average rate of profits for the said three years shall be less than the rate of 10*l*. in the 100*l*., it shall be lawful for the company, if they shall be of opinion that the said rate of twenty-five years purchase of the said average profits is an inadequate rate of purchase of such railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase-money shall be paid to the said company: Provided also, that such option of purchase shall not be exercised, except with the consent of the company, while any such revised scale of tolls, fares, and charges shall be in force.

111. Provided and enacted, That the option of revision or purchase shall not be applied to any railway made or authorized to be made by any Act previous to the present session; and that no branch or extension of less than five miles in length of any such line of railway shall be taken to be a new railway within the provisions of this Act; and that the said option of purchase shall not be exercised as regards any branch or extension of any railway, without including such railway in the purchase, in case the proprietors thereof shall require that the same be so included.

And after reciting that it is expedient that the policy of revision or purchase should in no manner be prejudged by the provisions of this Act, but should remain for the future consideration of the legislature, upon grounds of general and national policy: And that it is not the intention of this Act that under the said powers of revision or purchase, if called into use, the public resources should be employed to sustain an undue competition against any independent company or companies:—

It is Enacted,

1*v*. That no such notice as hereinbefore mentioned, whether of revision or purchase, shall be given until provision shall have been made by Parliament, by an Act or Acts to be passed in that behalf, for authorizing the guarantee or the levy of the purchase money hereinbefore mentioned, as the case may be, and for determining, subject to the conditions hereinbefore mentioned, the manner in which the said options or either of them shall be exercised; and that no bill for giving powers to exercise the said options, or either of them, shall be received in either House of Parliament unless it be recited in the preamble to such bill that three months notice of the intention to apply to Parliament for such powers has been given by the said Lords Commissioners to the company or companies to be affected thereby.

v. That, from and after the commencement of the period of three years next preceding the period at which the option of revision or purchase becomes available, full and true accounts shall be kept of all sums of money received and paid on account of any railway within the provisions hereinbefore contained, (distinguishing, if the said railway shall be a branch railway, or one worked in common with other railways, the receipts, and giving an estimate of the expenses on account of the said railway, from those on account of the trunk line, or other railways,) by the directors of the company to whom such railway belongs or by whom the same may be worked; and every such railway company shall once in every half year during the said period of three years cause a half-yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said railway for the half year ending the 30th of June and the 31st of December respectively, or such other convenient days as shall in each case be directed by the said Lords Commissioners, under distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified under the hands of two or more directors of the said

railway company, and shall send a copy of the said account to the said Lords Commissioners on or before the last days of August and February respectively, or such other days as shall in each case be directed by the said Lords Commissioners, in each year; and it shall be lawful for the said Lords Commissioners, if and when they shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said company during the said period of three years; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the books, accounts, vouchers, and other documents of the company at the principal office or place of business of the company, and to take copies or extracts therefrom.

And after reciting that it is expedient to secure to the poorer class of travellers the means of travelling by railway at moderate fares, and in carriages in which they may be protected from the weather:—

It is Enacted,

VI. That on and after the several days hereinafter specified all passenger railway companies which shall have been incorporated by any Act of the present session, or which shall be hereafter incorporated, or which by any Act of the present or any future session have obtained or shall obtain, directly or indirectly, any extension or amendment of the powers conferred on them respectively by their previous Acts, or have been or shall be authorized to do any act unauthorized by the provisions of such previous Acts, shall, by means of one train at the least to travel along their railway from one end to the other of each trunk, branch, or junction line belonging to or leased by them, so long as they shall continue to carry other passengers over such trunk, branch, or junction line, once at the least each way on every week day, except Christmas Day and Good Friday (such exception not to extend to Scotland), provide for the conveyance of third class passengers to and from the terminal and other ordinary passenger stations of the railway, under the obligations contained in their several Acts of Parliament, and with the immunities applicable by law to carriers of passengers by railway; and also under the following conditions (that is to say,)

Such train shall start at an hour to be from time to time fixed by the directors, subject to the approval of the Lords of the Committee of Privy Council for Trade and Plantations:

Such train shall travel at an average rate of speed not less than twelve miles an hour for the whole distance travelled on the railway, including stoppages:

Such train shall, if required, take up and set down passengers at every passenger station which it shall pass on the line: The carriages in which passengers shall be conveyed by such train shall be provided with seats, and shall be protected from the weather in a manner satisfactory to the Lords of the said Committee:

The fare or charge for each third class passenger by such train shall not exceed one penny for each mile travelled:

Each passenger by such train shall be allowed to take with him half a hundred weight of luggage, not being merchandise or other articles carried for hire or profit, without extra charge; and any excess of luggage shall be charged by weight, at a rate not exceeding the lowest rate of charge for passengers luggage by other trains:

Children under three years of age accompanying passengers by such train shall be taken without any charge, and children of three years and upwards, but under twelve years of age, at half the charge for an adult passenger:—

And with respect to all railways subject to these obligations which shall be open on or before the 1st of November next, these obligations shall come into force on the said 1st of November; and with respect to all other railways subject to these obligations, they shall come into force on the day of opening of the railway, or the day after the last day of the session in which the Act shall be passed by reason of which the company will become subject thereunto, which shall first happen.

VII. That if any railway company shall refuse or wilfully neglect to comply with the provisions of this Act as to the said cheap trains within a reasonable time, or shall attempt to evade the operation of such order, such company shall forfeit to Her Majesty a sum not exceeding 20*l.* for every day during which such refusal, neglect, or evasion shall continue.

VIII. Provided and enacted, That, except as to the amount of fare or charge for each passenger by such cheap trains which shall in no case exceed the rates hereinbefore in such case provided, the Lords of the said Committee shall have a discretionary power, upon the application of any railway company, of dispensing with any of the conditions hereinbefore required, in regard to the conveyance of passengers by such cheap trains as aforesaid, in consideration of such other arrangements, either in regard to speed, covering from the weather, seats, or other particulars, as to the Lords of the said Committee shall appear more beneficial and convenient for the passengers by such cheap trains under the circumstances of the case, and shall be sanctioned by them accordingly; and any railway company which shall conform to such other conditions as shall be so sanctioned by the Lords of the said Committee shall not be liable to any penalty for not observing the conditions which shall have been so dispensed with by the Lords of the said Committee in regard to the said cheap trains and the passengers conveyed thereby.

IX. That no tax shall be levied upon the receipts of any railway company from the conveyance of passengers at fares not exceeding one penny for each mile by any such cheap train as aforesaid.

X. That whenever any railway company subject to the hereinbefore mentioned obligation of running cheap trains shall, from and after the days hereinbefore specified on which the said obligation is to accrue, run any train or trains on Sundays for the conveyance of passengers, it shall, under the obligations contained in its Act or Acts of Parliament, and with the immunities applicable by law to carriers of passengers by railway, by such train each way, on every Sunday, as shall stop at the greatest number of stations, provide sufficient carriages for the conveyance of third class passengers at the terminal and other stations at which such Sunday train may ordinarily stop; and the fare or charge for each third class passenger by such train shall not exceed one penny for each mile travelled.

And after reciting that by an Act, 1 & 2 Vict. c. 98, intituled, 'An Act to provide for the Conveyance of the Mails by Railways,' provision was made for the transmission of the mails by railway, and it is expedient that such provision should be extended:—

It is Enacted,

XI. That it shall be lawful for the Postmaster-general to require, in the manner and subject to the conditions as to payment for service performed prescribed by the said Act, that the mails be forwarded upon any such railway as is hereinbefore last mentioned at any rate of speed which the inspector general of railways for the time being shall certify to be safe, not exceeding twenty-seven miles in the hour including stoppages; and it shall be also lawful for the Postmaster-general to send any mail guard with bags not exceeding the weight of luggage allowed to any other passenger (or subject to the general rules of the company for any excess of that weight) by any trains other than a mail train, upon the same conditions as any other passenger; provided that in such last-mentioned case nothing herein or in the last-recited Act contained shall be construed to authorize the Postmaster-general to require the conversion of a regular mail train into an ordinary train, or to exercise any controul over the company in respect of any ordinary train, nor shall the company be responsible for the safe custody or delivery of any mail bags so sent.

And after reciting that, by an Act, 5 & 6 Vict. c. 55, intituled, 'An Act for the better Regulation of Railways, and for the Conveyance of Troops,' it was among other things enacted, that whenever it shall be necessary to move any of the officers or soldiers of her Majesty's forces of the line, Ordnance corps, marines, militia, or the police force, by any railway, the directors thereof shall and are hereby required to permit such forces respectively, with their baggage, stores, arms, ammunition, and other necessaries and things, to be conveyed at the usual hours of starting, at such prices or upon such conditions as may from time to time be contracted for between the Secretary at War and such railway companies for the conveyance of such forces, on the production of a route or order for their conveyance signed by the proper authorities: And that it is expedient to amend such provision in regard to the prices and conditions of conveyance by any new railway or any railway obtaining new powers from Parliament:—

It is Enacted,

XII. That all railway companies which have been or shall be incorporated by any Act of the present or any future session, or which by any Act of the present or any future session shall have obtained or shall obtain any extension or amendment of the powers conferred by their previous Acts or any of them, or have been or shall be authorized to do any Act unauthorised by the provisions of such previous Acts, shall be bound to provide such conveyance as aforesaid for the said military, marine, and police forces, at fares not exceeding twopence per mile for each commissioned officer proceeding on duty, such officer being entitled to conveyance in a first-class carriage, and not exceeding one penny for each mile for each soldier, marine, or private of the militia or police force, and also for each wife, widow, or child above twelve years of age of a soldier entitled by Act of Parliament or by competent authority to be sent to their destination at the public expense, children under three years of age so entitled being taken free of charge, and children of three years of age or upwards, but under twelve years of age, so entitled, being taken at half the price of an adult; and such soldiers, marines, and privates of the militia or police force, and their wives, widows, and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge, all excess of the above weights of personal luggage being paid for at the rate of not more than 3d. per pound, and all public baggage, stores, arms, ammunition, and other necessaries and things, (except gunpowder and other combustible matters, which the company shall only be bound to convey at such prices and upon such conditions as may be from time to time contracted for between the Secretary at War and the company,) shall be conveyed at charges not exceeding 2d. per ton per mile, the assistance of the military or other forces being given in loading and unloading such goods.

And after reciting that electrical telegraphs have been established on certain railways, and may be more extensively established hereafter, and it is expedient to provide for their due regulation:—

It is Enacted,

XIII. That every railway company, on being required so to do by the Lords of the said Committee, shall be bound to allow any person or persons authorized by the Lords of the said Committee, with servants and workmen, at all reasonable times to enter into or upon their lands, and to establish and lay down upon such lands adjoining the line of such railway a line of electrical telegraph for her Majesty's service, and to give to him and them every reasonable facility for laying down the same, and for using the same for the purpose of receiving and sending messages on her Majesty's service, subject to such reasonable remuneration to the company as may be agreed upon between the company and the Lords of the said Committee, or in case of disagreement as may be settled by arbitration: Provided always, that, subject to a prior right of use thereof for the purposes of her Majesty, such telegraph may be used by the company for the purposes of the railway, upon such terms as may be agreed upon between the parties, or, in the event of difference, as may be settled by arbitration.

XIV. That where a line of electrical telegraph shall have been established upon any railway by the company to whom such railway belongs, or by any company, partnership, person or persons, otherwise than exclusively for her Majesty's service, or exclusively for the purposes of the railway, or jointly for both, the use of such electrical telegraph, for the purpose of receiving and sending messages, shall, subject to the prior right of use thereof for the service of her Majesty and for the purposes of the company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said railway company, be open for the sending and receiving of messages by all persons alike, without favour or preference.

And after reciting that by an Act, 3 & 4 Vict. c. 97, intituled, 'An Act to regulate Railways,' power is given to the Lords of the said Committee to appoint any proper person or persons to inspect any railway, and the stations, works, and

buildings, and the engines and carriages belonging thereto; and in order to carry the provisions of this Act into execution it is expedient that the said power be extended:—

It is Enacted,

xv. That the said power given to the Lords of the said Committee of appointing proper persons to inspect railways shall extend to authorize the appointment by the Lords of the said Committee of any proper person or persons, for such purposes of inspection as are by the said Act authorized, and also for the purpose of enabling the Lords of the said Committee to carry the provisions of this and of the said Act and of any general Act relating to railways into execution; and that so much of the last-recited Act as provides that no person shall be eligible to the appointment as inspector who shall, within one year of his appointment, have been a director, or have held any office of trust or profit under any railway company, shall be repealed: Provided always, that no person to be appointed as aforesaid shall exercise any powers of interference in the affairs of the company.

And after reciting that by the said Act, 3 & 4 Vict. c. 97, intituled, 'An Act for regulating Railways,' it is among other things enacted, that whenever it shall appear to the Lords of the said Committee that any of the provisions of the several Acts of Parliament regulating any railway companies, or the provisions of that Act, have not been complied with on the part of any of the said companies or any of their officers, and that it would be for the public advantage that the due performance of the same should be enforced, the Lords of the said Committee shall certify the same to her Majesty's Attorney General for England or Ireland, or to the Lord Advocate for Scotland, as the case may require; and thereupon the said Attorney General or Lord Advocate shall, by information, or by action, bill, plaint, suit at law or in equity, or other legal proceeding (as the case may require), proceed to recover such penalties and forfeitures, or otherwise to enforce the due performance of the said provisions, by such means as any person aggrieved by such non-compliance, or otherwise authorized to sue for such penalties, might employ under the provisions of the said Acts: Provided always, that no such certificate as aforesaid shall be given by the Lords of the said Committee until twenty-one days after they shall have given notice of their intention to give the same to the company against or in relation to whom they shall intend to give the same: And that it is expedient that more effectual provision should be made, not only for enforcing a compliance on the part of railway companies with the provisions of their Acts, but also for restraining railway companies from performing Acts unauthorized by such provisions:—

It is Enacted,

xvi. That so much of the said Act as is hereinbefore recited shall be repealed.

xvii. That whenever it shall appear to the Lords of the said Committee that any of the provisions of the several Acts of Parliament regulating any railway company, or the provisions of this Act or of any general Act relating to railways, have not been complied with on the part of any railway company or any of its officers, or that any railway company has acted or is acting in a manner unauthorized by the provisions of the Act or Acts of Parliament relating to such railway, or in excess of the powers given and objects defined by the said Act or Acts, and it shall also appear to the Lords of the said Committee that it would be for the public advantage that the company should be restrained from so acting, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for England or Ireland, or to the Lord Advocate for Scotland, as the case may require; and thereupon the said Attorney General or Lord Advocate shall, in case such default of the railway company shall consist of non-compliance with the provisions of the Act or Acts relating thereto or of this Act, or of any general Act relating to railways, proceed by information, or by action, bill, plaint, suit at law or in equity, or other legal proceeding, as the case may require, to recover such penalties and forfeitures, or otherwise to enforce the due performance of the said provisions, by such means as any person aggrieved by such non-compliance, or otherwise authorized to sue for such penalties, might employ under the provisions of the said Acts; and in case the default of the railway company shall consist in the commission of some act or acts unauthorized by law, then the said Attorney General or Lord Advocate, upon receiving such certificate as aforesaid, shall proceed by suit in equity, or such other legal proceeding as the nature of the case may require, to obtain an injunction or order (which the Judge in equity or other Judge to whom the application is made shall be authorized and required to grant, if he shall be of opinion that the act or acts of the railway company complained of is or are not authorized by law,) to restrain the company from acting in such illegal manner, or to give such other relief as the nature of the case may require.

xviii. Provided and enacted, That no such certificate as aforesaid shall be given by the Lords of the said Committee until twenty-one days after they shall have given notice to the company against or in relation to whom they shall intend to give such certificate of their intention to give such certificate; and that no legal proceedings shall be commenced under the authority of the Lords of the said Committee against any railway company for any offence against any of the several Acts relating to railways or this Act, or any general Act relating to railways, except upon such certificate of the Lords of the said Committee as aforesaid, and within one year after such offence shall have been committed.

And after reciting that many railway companies have borrowed money in a manner unauthorized by their Acts of incorporation or other Acts of Parliament relating to the said companies, upon the security of loan notes or other instruments purporting to give a security for the repayment of the principal sums borrowed at certain dates, and for the payment of interest thereon in the meantime: And that such loan notes or other securities issued otherwise than under the provision of some Act or Acts of Parliament have no legal validity, and it is expedient that the issue of such illegal securities should be stopped; but such loan notes or other securities having been issued and received in good faith as between the borrower and lender, and for the most part for the lawful purposes of the undertaking, and in ignorance of their legal invalidity, it is expedient to confirm such as have been already issued:—

It is Enacted,

xix. That from and after the passing of this Act any railway company issuing any loan note or other negotiable or assignable instrument purporting to bind the company as a legal security for money advanced to the said railway company other-

wise than under the provisions of some Act or Acts of Parliament authorizing the said railway company to raise such money and to issue such security, shall for every such offence forfeit to Her Majesty a sum equal to the sum for which such loan note or other instrument purports to be such security: Provided always, that any company may renew any such loan note or other instrument issued by them prior to the passing of this Act for any period or periods not exceeding five years from the passing of this Act.

xx. That where any railway company, before the 12th of July 1844, shall have issued or contracted to issue any such loan notes or other unauthorized instruments, the company may and shall pay off such loan notes or other instruments as the same may fall due, subject as hereinbefore provided; and until the same shall be so paid off the said loan notes or other instruments shall entitle the holders thereof to the payment by the company of the principal sum and interest thereby agreed to be paid.

xxi. That a register of all such loan notes or other instruments shall be kept by the secretary; and such register shall be open, without fee or reward, at all reasonable times, to the inspection of any shareholder or auditor of the undertaking, and of every person interested in any such loan note or other instrument, desirous of inspecting the same.

And after reciting that the remedies now in force for the recovery of the commutation rent-charges are in many instances ineffectual for such parts thereof as are charged upon lands taken for the purposes of a railway, and it is therefore expedient to extend the said remedies when the said rent-charges may have been duly apportioned:—

It is Enacted,

xxii. That in all cases in which any such rent-charge, or part of any rent-charge has been or hereafter shall be duly apportioned under the provisions of the Acts for the commutation of tithes in England and Wales, upon lands taken or purchased by any railway company for the purposes of such company, or upon any part of such lands, it shall be lawful for every person entitled to the said rent-charge or parts of such rent-charge, in case the same has been or shall be in arrear and unpaid for the space of twenty-one days next after any half-yearly day fixed for the payment thereof, to distrain for all arrears of the said rent-charge upon the goods, chattels, and effects of the said company, whether on the land charged therewith, or any other lands, premises, or hereditaments of such company, whether situated in the same parish or elsewhere, and to dispose of the distress when taken, and otherwise to demean himself in relation thereto, as any landlord may for arrears of rent reserved on a lease for years: Provided always, that nothing herein contained shall give or be construed to give a legal right to such rent-charge, when but for this Act such rent-charge was not or could not be duly apportioned.

xxiii. That all notices, requisitions, orders, regulations, appointments, certificates, certified copies, and other documents in writing, signed by some officer appointed for that purpose by the Lords of the said Committee, shall for the purposes of this Act be deemed to have been made by the Lords of the said Committee; and all certificates of anything done by the Lords of the said Committee in relation to this Act, and certified copies of the minutes of proceedings or correspondence of the Lords of the said Committee in relation thereto, signed by such officer, shall be deemed sufficient evidence thereof, and that in the absence of evidence to the contrary, without proof of the authority of the person signing the same or of the signature thereto, and service of the same at one of the principal offices of any railway company on the secretary or clerk of the said company, or by sending the same by post, addressed to him at such office, shall be deemed good service upon the said company; and all notices, returns, and other documents required by this Act to be given to or laid before the Lords of the said Committee, shall be delivered at or sent by post addressed to the office of the Lords of the said Committee.

xxiv. That all penalties under this Act for the application of which no special provision is made shall be recovered in the name and for the use of Her Majesty, and may be recovered in any of Her Majesty's courts of record, or in the court of session or in any of the sheriff courts in Scotland.

xxv. That where the word "Railway" is used in this Act it shall be construed to extend to railways constructed under the powers of any Act of Parliament; and when the words "Passenger Railway" are used in this Act, they shall be construed to extend to railways constructed under the powers of any Act of Parliament upon which one-third or more of the gross annual revenue is derived from the conveyance of passengers by steam or other mechanical power; and whenever the word "Company" is used in this Act it shall be construed to extend to include the proprietors for the time being of any such railway; and that where a different sense is not expressly declared, or does not appear by the context, every word importing the singular number or the masculine gender shall be taken to include females as well as males, and several persons and things as well as one person or thing.

xxvi. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXXVI.

AN ACT for the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases.

(9th August 1844.)

[This Act is printed at length in the Appendix, p. i.]

CAP. LXXXVII.

AN ACT to amend the Law for regulating Places kept for slaughtering Horses.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *New licences to be annual.*
2. *Justices in quarter sessions may cancel licences.*
3. *Persons wantonly or cruelly illtreating any horse to be liable to penalty.*
4. *Power for constables to enter licensed places.*
5. *Penalty for obstructing inspectors.*
6. *Penalty for inspector neglecting his duty.*
7. *Offences may be heard by two Justices.—Penalties how to be recovered and applied.*
8. *Limitation as to summary Proceedings.*
9. *Appeal to quarter sessions.*
10. *Meaning of certain words used in this Act.*

By this Act,

After reciting that by an Act, 26 Geo. 3, and also by an Act, 6 Will. 4, provision was made for the regulation and inspection of houses and places kept for the purpose of slaughtering horses: And that it is expedient to make further provision for the better and more effectual regulation and inspection of such houses and places:—

It is Enacted,

I. That every licence which shall after the passing of this Act be granted under or by virtue of the said Act, 26 Geo. 3, authorizing any person to keep or use any house or place for the purpose of slaughtering or killing any horse or other cattle (not killed for butchers meat), shall be granted, and shall continue in force, for a period not exceeding one year from the date at which the same was granted, determinable as hereinafter provided: Provided nevertheless, that in the case of the renewal of any such licence to any person to whom any such licence may have been previously granted as aforesaid it shall not be necessary for such person to obtain or produce to the Justices at such General Quarter Sessions of the Peace a certificate under the hands and seals of the minister, churchwardens, overseers, or householders, as required by the said last-mentioned Act.

II. That it shall be lawful for the Justices assembled at any General Quarter Sessions of the Peace to be holden for any county, upon application and complaint made to them in writing by any person, and upon due proof being made to them that the party so complaining had given fourteen days previous notice in writing thereof to the clerk of the peace for such county, and also to the party complained against, and upon due proof to their satisfaction that any person so licensed as aforesaid has been guilty of any breach or violation of the said two several hereinbefore recited Acts or either of them, or of this Act, or any part or parts thereof respectively, to cancel and wholly put an end to any and every licence which may have been granted to the person or persons so complained against, and from thenceforth the same shall be of no force or effect.

III. That if any such licensed or other person shall wantonly or cruelly beat, ill-treat, abuse, wound, or torture any horse or other cattle in any house, pound, stable, or other place in the occupation or use of such licensed person, every such person shall for every such offence, on conviction thereof, forfeit and pay a sum of money not exceeding 5*l*.

IV. That it shall be lawful for any constable from time to time, and as often as he shall think fit, at all reasonable times in the daytime, by authority of this Act, either alone or accompanied by any inspector appointed or to be appointed under the first-recited Act, to enter upon and view and inspect all and every the houses, stables, sheds, yards, grounds, and premises for the keeping of which any such licence shall have been granted as aforesaid, and also to inspect or take an account of all or any of the horses or other cattle which shall from time to time be found upon such premises or any part thereof.

V. That in case any person to whom any such licence shall be granted as aforesaid, or any other person, shall at any time or in any manner obstruct, hinder, molest, or assault any such inspector whilst in the discharge of his duty, or the exercise of his power or authority under or by virtue of the said first-recited Act or of this Act, every such offender shall for every such offence, on conviction thereof, forfeit and pay such a sum of money, not exceeding 10*l*., as any two or more Justices before whom such offender shall be brought shall deem fit.

VI. That in case any such inspector shall at any time be guilty of any neglect or violation of the duty required of him by law, then and in every such case such inspector shall, upon conviction, forfeit and pay for every such offence a sum of money not exceeding 10*l*.

VII. That all offences against this Act, or any of the provisions thereof, shall and may be heard and determined before and by any two or more Justices of the Peace for the county within which the offence shall have been committed; and all penalties and forfeitures incurred thereby respectively shall and may be recoverable, with costs, before and awarded by any such Justices, and shall be applied as follows; namely, such part as the Justices shall think fit to the person who shall inform and prosecute for the same, and the remainder thereof to the sheriff or other proper officer of the county in which such conviction shall take place, for Her Majesty's use, and shall be returned to the Court of Quarter Sessions, under the provisions of an Act, 3 Geo. 4. c. 46, intituled, 'An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures and Recognizances

estreated; and in case of nonpayment of any such penalty or forfeiture respectively it shall and may be lawful for such Justices forthwith to commit the offender to the common gaol or prison within the jurisdiction of such Justices for any time not exceeding one calendar month, as to such Justices shall seem meet.

VIII. That the prosecution of every offence punishable under this Act shall be commenced within three calendar months next after the commission of the offence, and not otherwise; and the evidence of the party complaining shall be admitted in proof of the offence.

IX. That any person who shall think himself aggrieved by any summary order or conviction made by any Justice or Justices of the Peace under the authority of this Act may appeal to the Justices of the Peace at the next general or quarter sessions of the peace to be holden for the county wherein the cause of complaint shall have arisen, provided that such person at the time of the order or conviction, or within forty-eight hours thereafter, shall enter into a recognizance, with two sufficient sureties, conditioned personally to appear at the said sessions to try such appeal, and to abide the further judgment of the Justices at such sessions assembled, and to pay such costs as shall be by the last-mentioned Justices awarded; and it shall be lawful for the Justice or Justices of the Peace by whom such order or conviction shall have been made to bind over the witnesses who shall have been examined in sufficient recognizances to attend and be examined at the hearing of such appeal, and that every such witness, on producing a certificate of his being so bound under the hand of the Justice or Justices, shall be allowed compensation for his time, trouble, and expenses in attending the appeal, which compensation shall be paid in the first instance by the treasurer of the county, in like manner as in cases of misdemeanor, under the provisions of an Act, 7 Geo. 4. c. 64, intitled 'An Act for improving the Administration of Criminal Justice in England;' and in case the appeal shall be dismissed, and the order or conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the treasurer of the county by appellant.

X. That the words hereinafter mentioned, which in their usual signification have a more restricted or different meaning, shall in this Act (except where the nature of the provisions or the context of the Act shall exclude such construction) be interpreted as follows; (that is to say,) the word "County" shall include city, town, borough, cinque port, riding, liberty, or division; the word "Horse" shall include mare, gelding, mule, pony, colt, or filly; the word "Cattle" shall include bull, ox, cow, steer, heifer, calf, ass, sheep, lamb, goat, pig, or any other domestic animal; the word "Constable" shall include head-borough, peace officer, or police officer; and every word importing the singular number only shall extend and be applied to several persons and things as well as to one person or thing; and every word importing the masculine gender only shall extend to a female as well as a male.

CAP. LXXXVIII.

AN ACT to widen and improve *Piccadilly* in the City of *Westminster*.

(9th August 1844.)

This Act contains the following clauses:—

- I. The Commissioners of Woods empowered to widen *Piccadilly* between *Bolton Street* and *Park Lane*.
- II. Carriage-way and footway of *Piccadilly* may be altered and shut up during the progress of the works.
- III. Street, as widened, to be re-paved by the Commissioners of Woods.
- IV. For severing a portion of the *Green Park* from the pariah of *St. Martin-in-the-Fields*, and annexing the same to the parish of *St. George Hanover Square*.
- V. The whole of *Piccadilly*, between *Bolton Street* and *Park Lane*, when widened and improved, to be repaired by the parish of *St. George Hanover Square*.
- VI. Powers of 5 & 6 Vict. c. 19. extended to this Act.
- VII. Act may be amended, &c. this session.
- VIII. Public Act.

CAP. LXXXIX.

AN ACT for auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Commissioners for auditing the Public Accounts shall audit the accounts of the Commissioners of Woods, &c.—*Proviso*.
2. Accounts when audited and declared to be kept of record in the Land Revenue Record Office.
3. Records in the Land Revenue Record Office to be valid.
4. Act may be amended this session.

By this Act,

After reciting the passing of 2 & 3 Will. 4. c. 1: And that doubts have arisen as to the powers vested in the Commissioners for examining and auditing the public accounts of the kingdom, in examining and auditing the accounts referred to them under the said Act, and also the several accounts of other monies under the controul and management of the first-mentioned Commissioners:—

It is Declared and Enacted,

I. That the said Commissioners for auditing the public accounts of the kingdom shall examine, try, and audit the accounts of all monies which by any Act of Parliament are or shall be under the controul and management of the Commissioners of Her Majesty's Woods, Forests, Land Revenue, Works and Buildings, and in examining, trying, and auditing any of the said accounts shall be deemed to have had at all times heretofore and shall have all the powers which are vested in them under an Act, 25 Geo. 3. c. 52, intituled, 'An Act for better examining and auditing the Public Accounts of this Kingdom,' and under any other Act now in force, or any law, usage, custom, or otherwise howsoever: Provided always, that such audit, as to the accounts of the first-mentioned Commissioners, with respect to their execution of the powers intrusted to them under an Act, 53 Geo. 3. c. 121, intituled, 'An Act for making a more convenient Communication from Mary-le-bone Park and the Northern Parts of the Metropolis in the Parish of Saint Mary-le-bone to Charing Cross within the Liberty of Westminster, and for making a more convenient Sewage for the same,' or of any Act for amending the last-recited Act, or for extending the powers of the same, shall not include any period before the 31st of March 1841.

II. That every general account of the land revenue of the Crown referred or which may be referred by the first-recited Act to the Commissioners for auditing the public accounts of the kingdom, after the same shall have been audited, declared, and inrolled in the office of Her Majesty's Remembrancer of the Court of Exchequer, shall be delivered by the said Commissioners of Audit, so audited and declared, together with the several detailed and subsidiary accounts of the receivers, surveyors, rangers, gavellers, stewards, bailiffs, collectors, or other local officers for the time being charged or intrusted with the receipt or collection of rents or other monies, dues, royalties, or revenues of the Crown (which are or may be mentioned or referred to in such general account), to the keeper of land revenue records and inrolments, not later than three years after the declaration of the said general account, unless by special direction of the Commissioners of Her Majesty's Treasury any of the said accounts shall be kept for a longer time, not more than seven years, for comparison with the accounts of following years; and such general and detailed and subsidiary accounts, and the declaration thereof, shall thenceforth remain of record in the said office of land revenue records and inrolments.

III. That where the rents, revenues, issues, or profits of any manors, lands, tenements, tithes, or hereditaments are or shall be specified or mentioned in the record of such accounts in the said office of the land revenue records and inrolments, such rents, revenues, issues, and profits shall be holden to be duly in charge by to or with the auditor or auditors or other proper officer or officers of the revenue; and the record of such accounts in the said office of land revenue records and inrolments shall be as valid and effectual, and shall be deemed to have the same effect and legal incidents, as the inrolment and record of such accounts in the office of Her Majesty's Remembrancer of the Court of Exchequer, or in any other office, or before or with any officer of any other court of record of law or equity of the United Kingdom of Great Britain and Ireland, or before or with any auditor or auditors or other officer or officers of the revenue.

IV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XC.

AN ACT for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in *Ireland*; and for amending the Laws in *Ireland* respecting Bankrupts and the Limitation of Actions.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Judgments, in order to be valid as against purchasers, &c., not to be re-docketed or revived under provisions of recited Acts after 1st of November 1844.—Re-docketing and revival books to be handed over to officers under this Act, and to be deemed books under this Act.—Judgments re-docketed or revived under 9 Geo. 4. c. 35, to operate against purchasers from dates of re-docketing and entering, as if registered under this Act.
2. Memorandum of particulars of judgments to be left with officer under this Act, and by him registered, otherwise invalid as against purchasers, &c.—Fee for entry.
3. Decrees, orders, &c. to be entered by officer under this Act; and books to be transferred to his office.—Entries under recited Act to be deemed to be made under this Act, and to operate from dates of entry.
4. Rules and orders, &c. to be void against purchasers, unless entered with officer under this Act.—Fee for entry.
5. The date when memorandum of particulars is left with officer to be entered in the book.
6. Judgments, decrees, orders, &c. after twenty years to be void against purchasers, unless fresh memorandum is left with officer.—Fee for re-entering.
7. An original entry to be deemed binding upon purchasers, &c. claiming under any deed executed within twenty years without re-docketing or registering; but to affect any purchaser, &c. whose deed shall be executed after twenty years from the date of the original entry, every judgment must be re-registered.—Proviso.

8. Judgments, decrees, &c. not to affect purchasers more extensively than they would have done previous to the Act of 3 & 4 Vict. c. 105.
9. Act not to revive judgments which are barred, or affect them as between the parties.
10. *Lis pendens* not to affect purchasers, &c., unless duly registered under this Act.—Fee for entering *lis pendens*.
11. Recognizances, crown bonds, &c. not to affect purchasers, &c. unless duly registered under this Act.—Fee for entry.—Searches.
12. An index of recognizances, crown bonds, &c. to be made out, and handed over to officer under this Act.
13. Quietus to debtors and accountants to be registered.—Fee for entry.
14. Purchasers of lands from Crown debtors may in certain cases obtain a discharge of the purchased lands from Crown debts and a certificate of such discharge.
15. Such discharge not to affect any claim of the Crown on other lands liable.
16. Requisition for negative search.
17. Registrar to file requisition, and give certificate.—Registrar liable in damages for fraud, &c.—Search to be made only at office established under this Act.
18. Requisition for common search.
19. Register to file requisition, and give a certificate.
20. Certificates to be liable to law fund duty.
21. Duplicate books may be made out, if necessary.
22. A registrar of judgments to be appointed for purposes of this Act.—Duties of registrar.—Two assistant clerks to be appointed.—Their duties.
23. Registrar may appoint searching clerks.—First appointment.
24. Salaries to searching clerks.
25. Application of fees provided for.—Salaries.—Registrar to lodge balances quarterly; and to account yearly.—Account to be audited.
26. Registrar to pay 20l. per centum on balances not lodged, &c.
27. Registrar to obtain receipt for balance lodged, and to produce same before account audited.
28. Additional clerks may, if necessary, be appointed.
29. Power to abolish and reduce fees.
30. Registrar or any assistant clerk may be removed for misconduct, &c.
31. Provisions of this Act not to abridge right of action against officers, &c. under former Acts.
32. Duties to be performed in person.—Deputy may in certain cases be appointed.
33. Registrar and clerks not to practise as barrister, attorney, &c.
34. Provision for compensation to secondary of the Exchequer.
35. Compensations to other officers.
36. Conveyances, contracts, &c. with bankrupts protected where no notice of act of bankruptcy, and made bond fide;
37. Also, even with notice of act of bankruptcy, unless commission sued out within twelve months.
38. No judgment signed or execution issued on a cognovit signed after declaration filed, &c., or judgment by default, &c., as shall be deemed within the provisions of the 6 & 7 Will. 4. c. 14.
39. The Act 8 Geo. 1. (1.) to be deemed to have been repealed.
40. Lists of fees to be placed up in office.
41. Act to extend to Ireland only.

By this ACT,

After reciting that, by 3 Geo. 2. (1.) it was enacted, that the officers therein mentioned should put into alphabetical docket entries of cognovits or judgments, and rules for judgments, and that such dockets should be put into and kept in books in the offices therein mentioned, and that such judgments should, as against purchasers or mortgagees, be judgments only from the time of their being docketed and entered under the provisions of the said Act, and should not have any preference against heirs, executors, or administrators in the administration of their ancestors, testators, or intestates estates, but from the time aforesaid: And that by an Act, 9 Geo. 4. c. 35, it was amongst other things provided, that judgments of the superior courts in Ireland should in certain cases be void as against purchasers, unless the same should be re-docketed, or a revival thereof entered in the manner therein mentioned: And that it is expedient to make further provisions for the protection of purchasers against judgments, and against Crown debts and *lis pendens*, and to establish one office in Dublin in which alone purchasers, and heirs, executors, or administrators, may find all judgments which would bind lands in the hands of a purchaser, or give a preference against heirs, executors, or administrators in the administration of their ancestors, testators, or intestates effects:

It is Enacted,

1. That from and after the 1st of November 1844, no judgment of any superior court of record, or rule for such judgment, shall be docketed or entered under the provisions of the said Act, 3 Geo. 2. (1.); and that from and after that day no such judgment, nor any revival of any such judgment, shall be re-docketed or entered under the said provisions of the said Act, 9 Geo. 4. c. 35; and that all books of or for such re-docketings or entries under either of the said Acts shall on the 1st of November 1844, be finally closed, without prejudice to the operation of any judgment which shall have been in that time docketed and entered, or re-docketed or entered, in the book of revivals, under the provisions of either of the said recited Acts, except so far as any such judgment may be affected by the provisions hereinafter contained; and that upon the close of the said 1st of November 1844, all the said re-docketing and revival books kept under the provisions of the said last-mentioned Act in every of the said superior courts of common law in Ireland shall, by the officer having in each of such courts respectively the custody of the same, be handed over to the officer to be appointed under this Act; and that such books, when so handed over, shall be forthwith deposited by the said last-mentioned officer in the office to be established under this Act, and shall be considered as part of the books to which access is to be had for the charge of 3s. or of 1s., as hereinafter provided; and that

all judgments which have already been, or on or before the 1st of November 1844, shall be re-docketed or entered as revived in the said books, under the provisions of the said Act, 9 Geo. 4. c. 35, shall be deemed to be registered under the provisions of this Act, and shall operate from the time of such re-docketing or entry after the revival precisely as if the same had been registered under the authority of this Act, but with the benefit of its actual priority as the same existed before the passing of this Act, and shall be subject to the provision hereinafter contained with respect to the re-registering.

II. That no judgment of the said superior courts respectively, or rule for such judgment, already docketed under the said first-recited Act, and which has not already been, or shall not on or before the said 1st of November 1844, be re-docketed or entered after revival under the said Act, 9 Geo. 4. c. 35, shall, after the 1st of November, 1845, nor shall any judgment of the said superior courts respectively which on the said 1st of November 1844 shall not be docketed under the said first-recited Act, or which shall be obtained after that day, affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a memorandum or minute thereof, containing the names, and the usual or last known place of abode, and the title, trade, or profession of the plaintiff and defendant or person whose estate is intended to be affected thereby, and the court in which such judgment or rule shall have been obtained, and the date of such judgment or rule, and the amount of the debt, damages, costs, or monies thereby recovered or ordered to be paid, shall be left with the officer to be appointed under this Act, who shall forthwith enter the same particulars in a book in alphabetical order, by the name of the defendant or person whose estate is intended to be affected by the said judgment or rule; or unless and until the same shall be duly revived according to the course and practice of the said superior courts respectively; and a like memorandum or minute as aforesaid, stating also the revival thereof, shall be left with the officer to be appointed under this Act, who shall forthwith enter the same particulars in a book of revivals to be kept by him in alphabetical order, by the name of the defendant or person whose estate is intended to be affected by such judgment or rule; and such officer shall be entitled for every such entry to the sum of 5s.

And after reciting that, under 3 & 4 Vict. c. 105, provision is made for entries of the decrees, orders, and rules therein mentioned, in like manner as the aforesaid judgments and rules are hereby required to be registered, in order to bind purchasers, mortgagees, and creditors:—

It is Enacted,

III. That from and after the 1st of November 1844, all such entries as last aforesaid shall be made by the officer for the time being appointed under the authority of this Act; and that all books belonging to the office established under the said last-mentioned Act shall, on the close of the said 1st of November, be deposited in the office established by this Act, and shall be considered as part of the books to which access is to be had for the charge of 3s. or of 1s. as hereinafter provided; and that all entries of decrees, orders, and rules which have already been, or on or before the said 1st of November 1844, shall be made in the said books, under the provisions of the said last-mentioned Act, shall be deemed to be entries made under the provisions of this Act, and shall operate from the time of such entries precisely as if the same had been registered under the authority of this Act, and be subject to the provisions hereafter contained with respect to re-registering.

IV. That no rule of a court of common law, nor any judgment, rule, or order of any of the inferior courts, in the Act of 3 & 4 Vict. c. 105, mentioned, which has already been or hereafter shall be removed into a superior court in manner therein mentioned, shall from and after the 1st of November 1844, affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until such a memorandum or minute thereof, containing the name or title of the cause or matter in which the same shall have been made or pronounced, and the names and the usual or last known place of abode, and the title, trade, or profession of the plaintiff, if there be such, and of the defendant or person whose estate is intended to be affected thereby, and the Court in which such judgment, rule, or order shall have been pronounced, and the date of the same, and the amount of the debt, damages, costs, and monies thereby recovered or ordered to be paid, shall be left with the officer appointed under this Act, who shall forthwith enter the same in manner aforesaid; and such officer shall be entitled for every such entry to the sum of 5s.

V. That, in addition to the entry by the said last-mentioned Act or by this Act required to be made in a book of the particulars to be contained in every memorandum or minute of any judgment, decree, rule, or order, or other matter, such officer so to be appointed as aforesaid shall insert in such book the year and the day of the month when every such memorandum or minute is so left with him.

VI. That all judgments already re-docketed or entered after revival, or which on or before the 1st of November 1844 shall be re-docketed or entered after revival, under the said Act, 9 Geo. 4. c. 35, shall, after the expiration of twenty years from the date of such re-docket or entry, and all judgments which, having been entered or docketed under the said Act, 3 Geo. 2. (1.), only, shall be registered under the provisions of this Act, and all judgments of the superior courts respectively which shall for the first time be docketed or registered under the provisions of this Act, shall respectively after the expiration of twenty years from the date of such registry under this Act, and all decrees or orders in any court of equity, rules in any court of common law, and orders in Bankruptcy or Lunacy, which since the passing of the said recited Act, 3 & 4 Vict. c. 105, have been or shall be registered under the provisions therein mentioned, or which shall be registered under the provisions of this Act, and all judgments, rules, and orders of any inferior courts which shall be registered under the provisions of this Act, shall, after the expiration of twenty years from the date of the entry thereof under the said last-mentioned Act or under the provisions of this Act (as the case may be), be null and void against lands, tenements, and other hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute, as was required in the first instance, be again left with such officer, to be appointed under this Act within twenty years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within twenty years before the right of such creditor accrued, and so *toties quoties* at the expiration of every succeeding twenty years; and such officer as aforesaid shall forthwith re-enter the same in like manner as the same was originally entered; and such officer shall be entitled for any such re-entry to the sum of 1s.

VII. Provided and enacted, That an original entry under the said first-recited Act or under this Act shall be deemed binding, without any re-docket or registry under the said Act, 9 Geo. 4. c. 35, or under this Act, on all purchasers and mortgagees who claim or shall claim under any conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, estate, or interest in or to any such purchaser or mortgagee for valuable consideration, executed within twenty years after the date of such entry, and on all creditors whose right shall have accrued or shall accrue within that period, without prejudice to the provision hereinbefore contained requiring judgments and rules entered under the said Act, 3 Geo. 2. (I.), but not re-docketed or entered under the said Act, 9 Geo. 4. c. 35, to be registered under this Act; but that to affect any purchaser or mortgagee whose conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, or interest in or to any such purchaser or mortgagee for valuable consideration shall be executed at any time after twenty years from the date of such original entry, or any creditor whose right shall accrue at any time after the like period, every such judgment must be re-registered within twenty years before such subsequent conveyance, settlement, lease, deed, or instrument shall be executed or such right shall accrue, and so *toties quoties*, to bind later purchasers, mortgagees, and creditors: Provided always nevertheless, that no mortgagee or purchaser shall be affected in any manner by any judgment or rule which shall not have been registered or re-registered within twenty years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable estate in or to any such mortgagee or purchaser, although such judgment or rule would, as between the person entitled to the benefit thereof and any subsequent incumbrancer within the twenty years, bind the lands, tenements, or hereditaments conveyed, settled, mortgaged, leased, or otherwise vested in such purchaser or mortgagee; nor shall any such subsequent incumbrancer be prejudiced by the protection hereby given to such mortgagee and purchasers as aforesaid.

VIII. Provided and enacted, That as against a purchaser or mortgagee, without notice of any such judgment, decree, rule, or order as aforesaid, none of such judgments, decrees, rules, or orders shall bind or affect any lands, tenements, or hereditaments, or any interest therein, further or otherwise or more extensively in any respect, although duly registered or re-registered, than a judgment of any of the superior courts aforesaid would have bound such purchaser or mortgagee before the said Act, 3 & 4 Vict. c. 105, where it had been duly docketed according to the law then in force.

IX. Provided and enacted, That nothing in the said recited Act of Her present Majesty or in this Act contained shall extend to revive or restore any judgment which shall be extinguished or barred, nor shall the same extend to affect or prejudice any judgment as between the parties thereto, or their representatives, or those deriving as volunteers under them, save so far as is herein expressly provided.

X. That from and after the 1st of November 1844 no *lis pendens* shall bind or affect a purchaser or mortgagee, without express notice thereof, unless and until a memorandum or minute containing the name and the usual or last known place of abode, and the title, trade, or profession of the person whose estate shall be intended to be affected thereby, and the court of equity, and the title of the cause or information, and the day when the bill or information was filed, shall be left with such officer so to be appointed as aforesaid, who shall forthwith enter the same particulars in a book as aforesaid, in alphabetical order, by the name of the person whose estate is intended to be affected by such *lis pendens*, and which book is to be intitled "The Index to *Lis Pendens*;" and such officer shall be entitled for every such entry to the sum of 2s. 6d.; and the provisions hereinbefore contained in regard to the re-registering of judgment every twenty years, and the operation thereof, and the fee payable to the officer thereon, shall extend to every case of *lis pendens* which shall be re-registered under the provisions of this Act.

XI. That from and after the 1st of November 1844 no judgment, statute, or recognizance which shall hereafter be obtained or entered into in the name or upon the proper account of Her Majesty, her heirs or successors, or inquisition upon which any debt shall hereafter be found due to Her Majesty, her heirs or successors, or obligation or specialty which shall hereafter be made to Her Majesty, her heirs or successors, or any acceptance of office which shall hereafter be accepted by officers whose lands shall thereby become liable for the payment and satisfaction of arrears under the provisions of an Act, 21 & 22 Geo. 3. (I.), intitled, 'An Act for the more speedy and effectual Recovery of the King's Debts,' shall affect any lands, tenements, or hereditaments, as to purchasers or mortgagees, unless and until a memorandum or minute, containing the name and the usual or last known place of abode, and the title, trade, or profession, of the person whose estate is intended to be affected thereby, and also in the case of any such judgment the court and the title of the cause in which such judgment shall have been obtained, and the date of such judgment, and the amount of the debt, damages, and costs thereby recovered, and also in the case of a statute or recognizance the sum for which the same was acknowledged, and before whom the same was acknowledged, and the date of the same, and also in the case of an inquisition the sum thereby found to be due, and the date of the same, and also in the case of an obligation or specialty the sum in which the obligor shall be bound, or for which the obligation or specialty shall be made, and the date of the same, and also in the case of acceptance of office the name of the office, and the time of the officer accepting the same, shall be left with such officer acting under this Act as aforesaid, who shall forthwith enter the same particulars in a book, to be intitled "The Index to Debtors and Accountants to the Crown," in alphabetical order, by the name of the person whose estate is intended to be affected by such judgment, statute, or recognizance, inquisition, obligation, or specialty, or the acceptance of any office; and such officer shall be entitled for every such entry to the sum of 2s. 6d.; and all persons shall be at liberty to search the said book, and also the other books which are to be handed over as aforesaid to the officer to be appointed under this Act, and also all the books which are to be kept under the provisions of this Act, or any or either of the said books, on payment of the sum of 3s., until 1863, and after that period for the charge of 1s., and no more, whether some only or all of the said books shall be searched, and no multiplication of books is to increase the fee.

XII. That the secondary of the Court of Exchequer and the clerk of the recognizances of the Court of Chancery respectively shall, on or before the 1st of November 1844, cause to be carefully prepared a book or books, to be called "The Index to Debtors and Accountants to the Crown," containing in alphabetical order all the particulars hereinbefore mentioned; and that such book, when so completed before, and containing a correct entry of all the particulars which can be derived from the various bonds, recognizances, and judgments which shall on the said 1st of November be in force as of record in the said

offices of secondary and clerk of the recognizances respectively, shall be by them handed over to the officer to be appointed under this Act; and that said book or books shall be subject to all the regulations prescribed by this Act with respect to the "Index to Debtors and Accountants to the Crown" hereinbefore mentioned; and that all persons shall be at liberty to search or inspect the same book or books, and no additional fee shall be paid for such search or inspection; and the cost of preparing such book or books in the Court of Chancery shall be allowed by the Lord Chancellor, and be paid by his direction out of the Suits Fee Fund of that court; and the costs of preparing such book or books in the Court of Exchequer shall be allowed by the Lord Chief Baron, and be paid by his direction out of the Suits Fee Fund of that court.

XIII. That wherever a quietus, or a certificate or order in the nature of a quietus, shall be obtained by a debtor or accountant to the Crown, and an office copy thereof, and of the certificate or consent of the Attorney General for Ireland, shall be left with such officer so to be appointed as aforesaid, that the same may be registered, such officer shall forthwith enter the same in the said book of debtors and accountants to the Crown, in alphabetical order, by the name of the persons whose estate is intended to be discharged thereby, with the date, and shall for every such entry be entitled to a fee of 2s. 6d.

And after reciting that it is expedient to make further provision for the discharge of an estate belonging to a debtor or accountant to the Crown from the claim of the Crown in the lands of a purchaser or mortgagee, although the debt or liability shall not be fully discharged:—

It is Enacted,

XIV. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three of them, by writing under their hands, upon payment of such sums of money as they may think fit to require, into the receipt of Her Majesty's Exchequer, to be applied in liquidation of the debt or liability of any debtor or accountant to the Crown, or upon such other terms as they may think proper, to certify that any lands, tenements, or hereditaments of any such Crown debtor or accountant shall be held by the purchaser or mortgagee, or intended purchaser or mortgagee thereof, his or their executors, administrators, and assigns, wholly exonerated and discharged from all further claims of Her Majesty, her heirs or successors, for or in respect of any debt, claim, or liability, present or future, of the debtor or accountant to whom such lands, tenements, or hereditaments belonged, or in case of leases for fines, to certify that the lessees, their heirs, executors, administrators, and assigns, shall hold, so exonerated and discharged, without prejudice to the rights and remedies of the Crown against the reversion of the lands, tenements, or hereditaments comprised in any such leases, and the rents and covenants reserved and contained by and in the same, and thereupon the same lands, tenements, and hereditaments shall respectively be held wholly exonerated and discharged as aforesaid, but in cases of leases without prejudice as aforesaid.

XV. Provided also, and be it enacted, That any such certificate, or the discharge of any such lands, tenements, or hereditaments by virtue of this Act, shall in nowise impeach, lessen, or affect the right or power of Her Majesty, her heirs or successors, to levy the whole of any debt or demand which may at any time be due from any such debtor or accountant to the Crown out of or from any other lands, tenements, or hereditaments which would have been liable thereto in case no such certificate had been granted, and no such discharge had been obtained.

XVI. That from and after the 1st of November 1844 every person who shall require a negative search to be made in the office to be established under this Act, and a certificate of such search to be given, shall deliver unto or leave with the said registrar a note or requisition, fairly written on paper or parchment, in the words or to the effect following, and the same shall be deemed one search; (that is to say,)

NEGATIVE Search for Judgments, Revivals, Decrees, Rules, and Orders registered or re-registered against			
'for	Years last past, or from the	Day of	in the Year to the
'Day of	in the Year	and for Judgments at the Suit of the Crown, Statutes, Recognizances,	
'Crown Bonds, Lis Pendens, Inquisitions, and Acceptances of Office, registered or re-registered against for			
'	Years last past, or from the	Day of	in the Year to the
'Day of	in the Year		

XVII. That the registrar shall upon the delivery of such requisition file the same in the order in which it shall be received, and shall with all due diligence give to the person making such requisition for a negative search a certificate in the words or to the effect following; (that is to say,)

'ON Search made in the Office for the Registration of Judgments and Incumbrances affecting Real Estates, in pursuance of the foregoing Requisition, I do not find any [but the above-mentioned (*these Words to be omitted when none appear*)] Judgments, Revivals, Decrees, Rules or Orders, Judgments at the Suit of the Crown, Statutes, Recognizances, or Crown Bonds, Lis Pendens, Inquisitions, or Acceptances of Office, registered or re-registered within the respective Periods aforesaid, against the said [Name of Registrar.]'

'Witness or Witnesses present when
'the Search was made.'

And if said registrar shall be guilty of any fraud, collusion, or wilful neglect in making out such certificate of a negative search, whereby any person shall be aggrieved or damaged, such person so damaged, his heirs, executors, or administrators, shall recover full damages against such registrar, with full costs of suit: provided always, that from and after the 1st of November 1845 no search shall be made for any of the matters authorized to be registered under this Act, except at the office to be established under the provisions of this Act.

XVIII. That from and after the 1st of November 1844 every person who shall require a common search to be made in the office to be established under this Act, and a certificate of such search to be given, shall deliver unto or leave with the said registrar or his deputy a note or requisition, fairly written on paper or parchment, in the words or to the effect following, and the same shall be deemed one search; (that is to say,)

'SEARCH for Judgments, Revivals, Decrees, Rules, and Orders registered or re-registered against
 'for Years last past, or from the Day of in the Year to the
 'Day of in the Year (as the Case may be), and for Judgments at the Suit of the Crown, Statutes,
 'Recognizances, Crown Bonds, Lis Pendens, Inquisitions, and Acceptances of Office registered or re-registered against the
 'said for Years last past, or from the Day of in the Year
 'to the Day of in the Year'

xix. That the registrar shall upon the delivery of such requisition file the same in the order in which it shall be received, and shall with all due diligence give to the person making such requisition for a common search a certificate setting forth such of the foregoing as he shall find registered or re-registered in the said office against such person.

xx. That every docket or requisition for a negative or common search respectively shall, from and after the said 1st of November 1844, be liable, in lieu of the existing stamp duty, to a duty of the following amount; that is to say, a duty of 11. upon every docket or requisition for a negative search against each person, and a duty of 7s. for every docket or requisition for a common search against each person; but no more than one docket or requisition shall be necessary in any case against any one person; and the said stamp duties shall be subject to all the laws and regulations to which the existing duty is now liable, or under which it is levied and regulated.

xxi. That it shall be lawful for the Lord Chancellor, the Chief Justice, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer in Ireland, or the majority of them, at any time hereafter, in case they shall deem it fit, to direct that duplicate copies shall for the purposes of this Act be made of the said books by this Act directed to be handed over to the officer appointed under this Act, or of the books directed to be by the said officer kept under the provisions of this Act, or of any of such books, and thereupon the said officer to be appointed under this Act shall have such duplicate copies forthwith made out, and shall for that purpose employ a fit and proper clerk or clerks, and shall pay the expenses of making out such book or books out of the fees received or to be received under the provisions of this Act; and said officer shall be entitled to credit for such payments in passing his accounts under the provisions hereinafter contained, after the same shall be directed by the Judges aforesaid.

And after reciting that by the said Act, 3 & 4 Vict. c. 105, it was provided that the entries for the purpose of the registration of decrees, rules, and orders as therein mentioned should be made by an officer to be appointed as therein mentioned, and the registrations which may be made under this Act render it expedient to make further and other provisions upon this subject:—

It is Enacted,

xxii. That the officer constituted by the said last-mentioned Act shall cease to act from the 1st of November 1844; and it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron in Ireland, or the majority of them, and they are hereby required, forthwith, and from time to time when occasion shall require, to appoint an officer, to be called the "Registrar of Judgments," whose duty it shall be to attend daily in his office, and to superintend the business thereof and to sign a certificate of all searches issuing from said office, and to receive an account for all fees payable under this Act in manner hereinafter directed; and it shall also be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the majority of them, and they are hereby required, forthwith, and from time to time as occasion may require, to appoint two assistant clerks, whose duty it shall be to attend daily in the said office, and make entries in the several books by this Act directed to be kept, and to act generally in the despatch of the business of the said office, under the direction of the said registrar; and the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron are hereby required to assign an office within the public buildings called the Four Courts, Dublin, or within the buildings or offices contiguous thereto and attached to or connected therewith, and the said registrar and clerks shall discharge the duties of the said office in the place so to be appointed and in no other place; and any expense attendant on such arrangement shall be charged amongst the incidental expenses hereinafter provided for.

xxiii. That for the purpose of making searches under this Act it shall and may be lawful for the registrar appointed under this Act and he is hereby required to employ two competent clerks, to be removable at his pleasure, who shall be paid in respect to each distinct search, for the quantity of their work, at the rate of 1s. for every period of twenty years or fractional portion thereof over which each search made by them respectively against any one person shall extend: Provided always, that no more than one clerk shall be so paid in respect of each common search, but both may be employed and paid in respect of each negative search, such payments to be charged in the incidental expenses in manner hereinafter provided: Provided always, that the first appointment of assistant clerks and of searching clerks shall be filled up with persons now holding the same office or offices, with duties of a like nature, in the common law courts, and whose offices are about to be abolished, if any such persons shall be willing to accept of such appointments; and any such searching clerks so re-appointed as aforesaid shall not be removable by the registrar under this Act without the consent of the Lord Chancellor.

And in order to secure the services of competent persons to perform the said business of searching clerks,—

It is Enacted,

xxiv. That each of the said clerks to be employed therein by the registrar appointed under this Act as aforesaid shall be entitled to receive for and during the time he shall be so employed a salary at the rate of 100l. per year, over and above the said allowance of 1s. per search, such salary to be paid to them in manner hereinafter provided.

xxv. That the registrar to be appointed from time to time under this Act shall quarterly on the 25th of March, the 24th of June, the 29th of September, and the 24th of December, retain and pay out of the produce of the fees to be received under the authority of this Act the several sums following; (that is to say,) to and for the use of him the said registrar the sum of 200l., being

800*l.* yearly; to and for the use of the first clerk the sum of 62*l.* 10*s.*, being 250*l.* yearly; to and for the use of the second clerk the sum of 25*l.*, being 100*l.* yearly; and to each of the said searching clerks the sum of 25*l.*, being 100*l.* yearly; and to and for the use of the registrar of decrees, rules, and orders (whose office is hereby transferred to the registrar under this Act,) the sum of 25*l.* quarterly, being 100*l.* yearly, as compensation for the loss of his said office; and the said registrar shall also pay quarterly, on the days before mentioned, the compensation which shall be awarded under the provisions hereinafter contained to the registrar of decrees and orders appointed under the said Act, 3 & 4 Vict. c. 105, and shall also pay all such compensations as may be at any time hereafter payable under the provisions hereinafter contained; and the said registrar shall also retain and pay out of the said fees all such other sums for books, stationery, coals, candles, and other incidental expenses; and such registrar shall, in ten days after the 25th of March, 24th of June, 29th of September, and 24th of December respectively in each year, pay into the receipt of Her Majesty's Exchequer in Ireland the balance of all such sum and sums of money as shall remain in his hands after making such payments as aforesaid (retaining, however, a sum sufficient to discharge the current expenses of the said office), and which sum or sums so to be paid into the said Exchequer by the said registrar shall thereupon be carried to and made part of the Consolidated Fund of Great Britain and Ireland; and such registrar shall, in fourteen days after the 24th of December in each year, deliver unto the office of Her Majesty's Commissioners for auditing the Public Accounts for the time being an account, signed by such registrar, of all fees received by him under this Act for the year ending such 24th of December, and of all disbursements and sums of money paid by him according to the directions of this Act, properly vouched and verified by a declaration, as in such cases usual, at the foot thereof, by such registrar, if required, before one of the Masters of the Court of Chancery, who is hereby authorized and required to administer such declaration, and in case of the death of such registrar then his executors or administrators shall, within six calendar months after his death, deliver in like manner to the said Commissioners for auditing the Public Accounts, an account, signed by such executors or administrators respectively, of all fees received and of all disbursements and sums paid by such registrar from the latest day to which he shall have so accounted to his death, which account shall be verified in like manner by such executors or administrators; and the said Commissioners for auditing the Public Accounts shall and are hereby required to inquire into, audit, and settle, with all convenient speed, every such account so delivered, and to verify under their hands the balance (if any) due thereon; and such registrar, or his executors or administrators, shall, within six days after each such account respectively shall be so audited and certified, pay into the receipt of Her Majesty's Exchequer in Ireland all such sum or sums of money as shall be so certified as the balance in his or their hands, which payment shall thereupon be carried to and made part of the said Consolidated Fund of Great Britain and Ireland; and the said Commissioners for auditing the Public Accounts, in examining, trying, and auditing the said accounts, shall have all the powers which are vested in them under an Act, 25 Geo. 3. c. 52, intituled 'An Act for better examining and auditing the Public Accounts of this Kingdom,' and under any other Act now in force, or any law, usage, or custom, or otherwise howsoever, save and except where other provision shall be made for the same by this Act: Provided always, that in case the fees so to be received by the registrar to be appointed pursuant to the provisions of this Act shall not be sufficient in any one quarter to pay the salaries, compensations, allowances, and other expenses hereby made payable thereout, it shall be lawful for the said registrar to certify to the Commissioners of Her Majesty's Treasury the gross amount received on account of such fees during such period, and the salaries, compensations, and other disbursements payable thereout; and thereupon the Commissioners of Her Majesty's Treasury may inquire into the correctness of such account, and shall be at liberty to direct that any deficiency in such receipts to meet the said several salaries, compensations, allowances, and other expenses shall be paid out of the Consolidated Fund of Great Britain and Ireland.

XXVI. That in case the said registrar, his executors or administrators, shall at any time neglect or make default in lodging his balances quarterly as aforesaid, or in delivering in such account as hereinbefore directed to the said Commissioners for auditing the Public Accounts, or in paying over any balance which may be certified as due thereon within the periods aforesaid, then and in any such case such registrar, or such executors or administrators having assets sufficient to make such payments, shall pay into the said Exchequer, together with such balance, interest on all such balances as shall appear from time to time to have been retained by him at the rate of 20*l.* per centum per annum from the expiration of the said periods aforesaid until paid in.

To the end that such quarterly payment of such balance, if any, on the foot of such account, may be ascertained,—

It is Enacted,

XXVII. That upon payment thereof a receipt or discharge for the same shall be signed by the proper officer in the Exchequer, which shall be produced and exhibited by the said registrar to the said Commissioners for auditing the Public Accounts, at the passing of such account, or within one calendar month from the date thereof, as the case may be, or by his executors or administrators within three calendar months from the date thereof; and the said Commissioners are hereby required to demand and have the receipt for such quarterly payment produced to them before they shall audit said account, and shall also require the receipt for the balance due on any former account to be produced to them before they shall audit and certify by subsequent account for such registrar, in manner hereinbefore directed.

XXVIII. That, if it shall hereinafter appear to the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the majority of them, that the business of the said office established under the authority of this Act cannot be discharged with due despatch without the assistance of an additional clerk or clerks, then and in such case it shall be lawful for the said Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the majority of them, by and with the consent of the Commissioners of her Majesty's Treasury, from time to time to direct that one or more additional clerk or clerks shall be appointed, with such salary and salaries as they shall deem proper, to be paid out of the fees received or to be received under the authority of this Act.

XXIX. That whenever it shall appear to the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the majority of them, that the fees hereinbefore directed to be payable under this Act shall be more than sufficient to answer and pay the several salaries and other payments for the

time being chargeable thereon, it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, or a majority of them, by and with the consent of the Commissioners of her Majesty's Treasury for the time being, from time to time to abolish any fee, or to reduce such fees, as may to them, or to a majority of them, with such consent as aforesaid, from time to time seem fit, and if it should be deemed proper, with the like consent, again from time to time to revive or increase any of the fees so reduced, but not beyond the amounts hereby directed to be paid.

xxx. That it shall and may be lawful to and for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, or the majority of them, on complaint duly made, or on any offence or misconduct of which they may otherwise acquire judicial knowledge, and after full inquiry into the alleged grounds thereof, by affidavit or otherwise, as they shall think fit respectively, to remove the said registrar or any assistant clerk of the said office appointed under the provisions of this Act from his office, for any offence or misconduct in such office which they or the majority of them shall deem deserving of such punishment, and thereupon such registrar or assistant clerk shall cease to hold or be entitled to such office; and it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the majority of them, on complaint and inquiry as aforesaid, to inflict upon such registrar or clerk for any minor offence such punishment by way of fine as they or the majority of them shall deem expedient.

xxx. Provided and enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any action or indictment, or any remedy or proceeding whatsoever, which at any time heretofore may or might have been brought, found, had, or taken against any officer or clerk heretofore appointed under the said recited Acts or any of them, for or in respect of any misconduct in office which may have occurred or taken place, but that all such actions, indictments, remedies, and proceedings for any such misconduct may be brought forward, had, or taken as if this Act had never been made.

xxxii. That from and after the commencement of this Act the registrar and clerks appointed under this Act shall respectively perform their duties in person, except only in case of absence under the sanction hereinafter provided; (that is to say,) in case of illness or other necessary or proper cause of absence it shall be lawful for the said registrar or assistant clerks, or either or any of them, from time to time as occasion may require, to appoint a deputy (such deputy, and also the occasion for such appointment, to be first approved of by the Lord Chancellor, upon a petition being verified), for such time and under such regulations as the Lord Chancellor shall direct; and no such appointment of a deputy shall continue for any longer time than shall be allowed and specified in and by the order which shall be made on such petition; and that such deputy shall be paid, out of the salary of such registrar or clerk, such sum as shall be directed by the said order; and that at all times during the temporary absence of the said registrar under such permission as aforesaid the signature of his deputy shall be good and valid to any search or other document requiring the signature of such registrar.

xxxiii. That every person who shall at any time after the passing of this Act be appointed to be registrar or clerk of or in the office established under this Act shall be and he is hereby declared to be incapable of practising as a barrister, or as an attorney or solicitor, or as agent or clerk of an attorney or solicitor, of any court of law or equity in Ireland, either separately or in partnership with any other, or in the name of any other person or persons, during such time as such person shall hold the situation, office, or employment of registrar or clerk in such office; and if the said registrar or clerks, or any of them, shall, contrary to the true intent and meaning of this Act, so practise as such barrister, attorney, solicitor, agent, or clerk, while he shall hold such situation, office, or employment under this Act, the Lord Chancellor shall, on sufficient proof of the same, dismiss the person so offending from his office or employment, and the person so dismissed shall be rendered incapable of ever after holding any office or employment in any of the said courts.

And after reciting that the office of secondary of the Court of Exchequer is held by virtue of her Majesty's letters patent, during good behaviour, by Andrew Carew O'Dwyer, esquire, barrister at law, and the rights thereof will be injuriously affected by the operation of this Act, and it is just to provide a remedy for the same:—

It is Enacted,

xxxiv. That immediately after the passing of this Act the Court of Exchequer, or any two Barons thereof, shall proceed to inquire into and ascertain the official receipts of the said secondary for each year of the period directed in an Act, 6 & 7 Vict. c. 55, intituled, 'An Act for the Amendment of the Proceedings and Practice of the Equity Side of the Court of Exchequer in Ireland,' on account of all matters and things done and transacted in the said office for the said period; and the said Court of Exchequer or Barons aforesaid shall strike an average of the said annual receipts, and shall certify the amount of the said average so struck to the Lords Commissioners of her Majesty's Treasury; and thereupon the said officer, so long as he shall retain his said office, shall render an account quarterly, verified upon oath, and shall be entitled to claim and receive quarterly and every quarter, and in such manner as other compensations shall be payable under this Act, the amount of any deficiency of income, if such should occur, in each or any quarter, between his receipt of fees, to be taken into account from the 1st of November next, and one-fourth part of the average income to be struck and certified as hereinbefore directed, in order that the said officer shall suffer no loss in his office by the operation of this Act.

xxxv. That all other officers and persons employed in the offices of any her Majesty's courts whose offices are hereby transferred, or whose salary or emoluments shall, in consequence of the passing of this Act, fall short in amount of the salary or emoluments received by them in right of their respective offices or employments, shall be entitled to receive such compensation in respect thereof as the Commissioners of her Majesty's Treasury shall ascertain to be just and proper, according to an average of the income enjoyed by any such persons for the seven years next preceding the day appointed for the commencement of this Act, the amount of such compensation to be ascertained in such manner and by such means as the said Commissioners of her Majesty's Treasury shall think proper to direct, and to be charged and chargeable, and paid and payable to

the several persons entitled thereto, out of the same fund, at the same periods, and in the same manner as hereinbefore provided for the salaries and expenses hereby directed to be paid.

And after reciting that it is expedient that further provisions should be made for the security of persons dealing with bankrupts;—

It is Enacted,

XXXVI. That all conveyances by any bankrupt *bond fide* made and executed, and all contracts, dealings, and transactions by and with any bankrupt really and *bond fide* made and entered into before the date and issuing of the commission against such bankrupt, and all executions and attachments against the lands and tenements or goods and chattels of such bankrupt which shall be *bond fide* executed or levied before the date and issuing of such commission, shall be deemed to be valid, notwithstanding any prior act of bankruptcy by such bankrupt committed, provided the person or persons to whom such bankrupt so conveyed, or the person or persons so dealing with such bankrupt, or at whose suit or on whose account such execution or attachment shall have been issued, had not at the time of such conveyance, contract, dealing, or transaction, or at the time of executing or levying such execution or attachment, notice of any prior act of bankruptcy by such bankrupt committed: Provided also, that nothing herein contained shall be deemed or taken to give validity to any payment made by any bankrupt, being a fraudulent preference of any creditor or creditors of such bankrupt, or to any execution founded on a judgment on a warrant of attorney or *cognovit* given by any bankrupt by way of such fraudulent preference.

XXXVII. That no purchase from any bankrupt *bond fide* and for valuable consideration, where the purchaser had notice at the time of such purchase of an act of bankruptcy by such bankrupt committed, shall be impeached by reason thereof, unless the commission against such bankrupt shall have been sued out within twelve calendar months after such act of bankruptcy.

And after reciting, that by an Act, 6 & 7 Will. 4. c. 14, intituled, 'An Act to amend the Laws relating to Bankrupts in Ireland,' it is provided that no creditor, though for a valuable consideration, who shall sue out execution upon any judgment obtained by default, confession, or *nil dicit*, shall avail himself of such execution to the prejudice of other fair creditors, but shall be paid rateably with such creditors; and that by reason of such provision plaintiffs in actions have been and may be deterred from accepting a *cognovit actionem*, with stay of execution, whereby the expense of further proceedings in such actions might have been and may be saved or diminished; for remedy whereof,—

It is Enacted,

XXXVIII. That no judgment signed or execution issued after the passing of this Act on a *cognovit actionem* signed after declaration filed or delivered, or judgment by default, confession, or *nil dicit*, according to the practice of the Court, in any action commenced adversely, and not by collusion for the purpose of fraudulent preference, should be deemed or taken to be within the said provision of the said Act, 6 & 7 Will. 4. c. 14.

And after reciting, that by an Act, 8 Geo. 1. (I.), intituled, 'An Act for the more effectual quieting and securing Possessions, and preventing vexatious Suits at Law,' it was amongst other things provided, that all actions and suits in law or in equity for recovery of any debt due by single bill, or bond under hand and seal, or by judgment, statute staple, statute merchant, or recognizance, should after the lapse of time therein mentioned be barred, unless upon certain proceedings being taken, or payments or satisfaction being made, as therein respectively mentioned: And that since the passing of the said Act certain other statutes have been passed for the limitations of actions upon judgments and other charges upon land, bonds, and other specialties and recognisances: And that doubts have been entertained whether the provisions of the said Act have been altered or affected by the said later statutes: now, for quieting and putting an end to such doubts,—

It is hereby declared and Enacted,

XXXIX. That the said later Acts were and shall be deemed to be a repeal of the said Act, 8 Geo. 1. (I).

XL. That the registrar to be appointed under this Act shall place up in proper and conspicuous parts of his office lists or schedules of the several fees payable under this Act, so that the public may at all times have access to the same.

XLI. That this Act shall extend to Ireland only.

CAP. XCI.

AN ACT to consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Appointment of Commissioners.—Duration of commission.*
2. *Style and powers of Commissioners;—to have a common seal.—Orders, &c. of Commissioners to be binding, and not to be removed by certiorari.*
3. *Secretary, &c. to be appointed.*
4. *Salaries and allowances to Commissioners and their officers.*
5. *Commissioners to proceed through South Wales.—Notice to be given by advertisement.*

6. *Inquiry to be made by Commissioners into circumstances of all trusts, their debts, &c.—Commissioners to summon witnesses and call for papers.*
7. *Penalty for giving false evidence.*
8. *Commissioners to record their proceedings.*
9. *Commissioners to ascertain and estimate all debts;—and to award the sums and names of persons to whom due.*
10. *Sums due to infants and lunatics may be awarded to guardians and committees, &c.*
11. *Persons dissatisfied with award how to appeal.*
12. *Commissioners to appoint time and place for arbitration.*
13. *Arbitrators how to be selected.*
14. *If arbitrator shall die, another to be appointed.*
15. *If arbitrator differ, an umpire to be named.*
16. *Powers of arbitrators.*
17. *Award of arbitrators.*
18. *Expenses of arbitration how to be borne.*
19. *Awards, advertisements, and other instruments to be free of stamp duty.*
20. *Provision in case of creditors not applying within time limited.—Creditors after twelve months to be barred.*
21. *Commissioners to report result of awards to Secretary of State.*
22. *Sums awarded to be paid by Public Works Loan Commissioners.*
23. *Sum not exceeding 225,000*l.* to be charged upon the Consolidated Fund for the purposes of this Act.*
24. *Commissioners for the Reduction of National Debt to be trustees of South Wales turnpike trust fund, and to cause separate account to be opened at the Bank of England for the purpose.*
25. *Bank of England to open account with Public Works Loan Commissioners under this Act.*
26. *Money paid into Bank to the account of Public Works Loan Commissioners under this Act to make part of Consolidated Fund.*
27. *Amount of monies to be paid by Public Works Loan Commissioners under this Act to be certified to the Commissioners for the Reduction of the National Debt.*
28. *Commissioners for the Reduction of the National Debt to furnish annual account of fund for audit.*
29. *Amount paid by Public Works Loan Commissioners under this Act, with interest, to be repaid by half-yearly annuity for thirty years.*
30. *When powers of the Commissioners have ceased, the charge to be executed by Secretary of State.*
31. *Charges to be in such form as Public Works Loan Commissioners shall direct.*
32. *Mortgages of tolls held by Public Works Loan Commissioners to be paid in full.*
33. *Monies advanced under 5 Vict. c. 9. may be paid into Consolidated Fund on account of monies issued thereout under this Act.*
34. *All local Acts to be repealed from a day to be declared by Commissioners.*
35. *Justices in Quarter Sessions to elect members of county roads board.*
36. *Certain persons in each county to be ex-officio members of county roads boards.*
37. *Style and powers of county roads boards.*
38. *Provisions of general turnpike Acts how far to be applicable.*
39. *Existing officers of trusts to account.*
40. *Provision as to existing leases of tolls.*
41. *Debts due to trust to be vested in county roads boards.*
42. *Roads and property of trusts vested in county roads boards.*
43. *Materials to be the property of the county to which they shall be adjudged by Commissioners to belong.—Property how to be laid in indictments.*
44. *County roads boards to take possession of roads and other property.*
45. *Mortgagees not to take possession of tolls.*
46. *Mortgagees in possession to deliver up possession, and to account to county roads boards.*
47. *Lands or persons liable to repair of any roads to continue liable.*
48. *County roads boards may continue existing toll gates.*
49. *County roads boards may remove toll gates.*
50. *Rates of toll to be taken under this Act.—Equal tolls to be taken at all gates in the same county.*
51. *Distinction as to breadth of wheels to be abolished.*
52. *Toll once paid to clear seven miles in same or two in adjacent county.*
53. *Where any toll payable within the specified distance is a higher one, the difference only to be paid.*
54. *Provision as to stage coaches and stage waggons.*
55. *Post horses to be charged on every fresh hiring.*
56. *Exemptions from toll.*
57. *Exemptions of general turnpike Acts explained and extended.*
58. *Exemptions not to be defeated on account of regulations as to breadth of wheels or as to weight.*
59. *Lime to be charged half toll.*
60. *Toll not to be taken within limits of towns.*
61. *Toll tables to be affixed at all gates.—Penalty for want of toll table.*
62. *County roads boards empowered to reduce tolls in Schedule.*
63. *Meetings of county roads boards.—Power of adjournment.—Three to be quorum when tolls are to be let.*
64. *Tolls may be let at any meeting without putting them up at the sum before realized.*
65. *Repeal of part of 3 Geo. 4. c. 126.*
66. *Repeal of part of 3 & 4. Will. 4. c. 80.*
67. *Annual general meeting of county roads boards.*
68. *Business to be transacted at annual general meeting.*

69. General superintendent of county roads to be appointed.
70. His office and duties ; to overlook management of roads ; to attend meetings of county and district Boards ; to examine accounts at annual meetings ; to prepare statements and estimates ; to transmit statements and estimates to Commissioners ; and to report from time to time.
71. Books to be kept, and to be open to inspection.
72. First meeting of county roads boards when to be held.
73. Chairman and vice chairman of county roads boards to be appointed.
74. Clerk and treasurer to be appointed.
75. County roads boards to fix times of meeting, and make other regulations.
76. County roads board to report upon county roads, and make recommendations respecting them ; what shall be turnpike roads ; what shall cease to be maintained by county ; division of county into districts.
77. Commissioners to make orders respecting distribution and arrangement of county roads.
78. Plan of county roads to be made by authority of Commissioners.—Plan may be amended.
79. Roads rejected by Commissioners to become highways.
80. County roads boards to make special reports in certain cases.
81. Restrictions on borrowing by county roads boards.
82. Local boards to be appointed called " District Roads Boards."—How to be constituted.
83. If Commissioners deem it expedient, they may appoint additional members.—Manner of choosing additional members.
84. Persons hereafter chosen as members of district boards shall cease to be members by rotation, and their vacancies to be filled up.
85. Declaration to be made by members of district boards.
86. County roads boards to appoint officers of district boards.
87. Powers and duties of district boards.
88. Money and materials to be placed at the disposal of district boards.
89. First and other meetings of district boards.
90. District boards to appoint chairman and vice-chairman.
91. District boards to elect two of their own members to serve on county board.
92. Members of county and district boards not to be interested in contracts.
93. Members of county and district boards may act as Justices.
94. Application of tolls.
95. If county roads fund prove insufficient for the purposes required, county roads board shall certify the amount required to Quarter Sessions.
96. Justices in Quarter Sessions to make a rate to supply the amount required.
97. Provision for levying road rate in places not contributing to county rate.
98. Justices of any liberty or franchise to make a rate upon the same.
99. In case of default, or if there is no rate applicable within such liberty or franchise, Justices of the county empowered to act.
100. Power to inspect rates and returns.
101. Occupier paying road rate may deduct it from rent paid to his landlord.
102. Road rate to be paid over by county treasurer to treasurer of county roads board.
103. County roads board may make orders on parishes to carry or draw materials for turnpike roads.
104. Surveyor of turnpike roads to pay for work done in drawing materials, and to be repaid out of highway rate.
105. Disputes respecting carriage of materials to be referred to two Justices.—Penalty.
106. Llandilo Rhynys Bridge and Towey Suspension Bridge to become county bridges.
107. Wych Tree Bridge to become a county bridge.
108. Commissioners to treat the Wych Tree trusts as if heretofore consolidated with the Swansea district.
109. Loughor Bridge to be maintained as a county bridge between the counties of Glamorgan and Caermarthen jointly.
110. Part of the debt of Rumney Bridge trust to be borne by the Newport turnpike trust.—Rumney Bridge to be maintained as a county bridge between the counties of Glamorgan and Monmouth jointly.
111. Act not to apply to Hay Bridge, nor to Haverfordwest or Boughrood Bridges.
112. Provision as to portion of road in Rhayader and Llangerrig trust.
113. Recovery and application of penalties.
114. Interpretation of Act.
115. Act may be amended this session.

By this Act,

After reciting that Her Majesty was, on the 7th of October 1843, pleased to issue a commission to certain persons therein named, directing them, amongst other things, to make a full and diligent inquiry into the state of the laws as administered in South Wales which regulate the maintenance and repair of turnpike roads, highways, and bridges: And that the said Commissioners made their report to Her Majesty, bearing date the 6th of March 1844: And that the said Commissioners, by their said report, among other things, recommended that the debts then chargeable upon the several turnpike trusts in South Wales should be ascertained and redeemed, and also that the several trusts in each of the respective counties then existing should be consolidated and placed under uniform management and controul; and that the laws and regulations relating to the collection and application of tolls should be revised and amended: And that it is expedient that these and certain other recommendations of the said Commissioners should be adopted, with certain modifications thereof:—

It is Enacted,

1. That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the time being or any three or more of them, by any writing under their hands, to appoint any competent persons, not being more than three

in number, to be Commissioners for carrying this Act into execution, one of whom shall be in manner aforesaid appointed chief Commissioner for the time being, and upon any vacancy in the number of Commissioners appointed, either by removal or by death or otherwise, to appoint some other fit person to supply the same; and the said Commissioners for the time being, and each and every of them, are and is hereby vested with the same powers and authorities as if he or they had been named in this present Act, and had been thereby appointed a Commissioner or Commissioners for executing the trusts reposed in him or them by this Act: Provided always, that the powers hereby given to such Commissioners shall absolutely cease and determine on the 29th of September 1845, or on such earlier day as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall think fit to declare the same to be determined, and notice of the determination of the said commission shall be published in the *London Gazette*.

11. That the said Commissioners shall be styled "The Commissioners for consolidating and adjusting the Turnpike Trusts in South Wales," and the powers and authorities hereby vested in such Commissioners shall include and comprise the six counties following; (that is to say,) the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan respectively; and the said Commissioners or any two of them may sit from time to time and at such place or places as they may deem expedient as a board of Commissioners, and all acts, matters, and things done by any two of such Commissioners acting in execution of this Act shall be valid and effectual; and the said chief Commissioner shall have a casting vote in all matters to be decided by such board, in addition to his own vote; and the said Commissioners shall cause a seal to be made, and all orders, regulations, awards, or other instruments made or executed by or by the authority of the said Commissioners acting as such board, or copies thereof, purporting to be sealed with such seal, shall be received in evidence in all courts, and by all Judges, Justices, and others, without further proof thereof; and all orders, regulations, awards, and other instruments so made as aforesaid by the said Commissioners acting in execution of this Act shall be binding and conclusive on all parties, and to all intents and purposes whatsoever, and shall not be removed or removeable by certiorari, or by any other writ or process, into any of Her Majesty's courts of record at Westminster, any law or statute to the contrary thereof in anywise notwithstanding.

111. That it shall be lawful for the said board of Commissioners to be appointed by virtue of this Act, with the consent of the Lord High Treasurer or Commissioners of Her Majesty's Treasury, to appoint a fit and proper person to be their secretary, and from time to time at their discretion to remove the secretary for the time being, and appoint another in his stead; and it shall be lawful for the said board of Commissioners, with the like consent as aforesaid, from time to time to appoint such accountant or accountants, clerk or clerks, or other officers as may be necessary to assist in carrying the provisions of this Act into execution, and from time to time at their discretion to remove the said accountant or accountants, clerk or clerks, or other officers, and to appoint other persons, with the like consent, in their stead.

1V. That the salaries and allowances of the said Commissioners to be appointed by virtue of this Act, and of their secretary, and of the accountants, clerks, or other officers to be appointed by virtue thereof, shall be from time to time regulated by the Lord High Treasurer, or by the said Commissioners of Her Majesty's Treasury: Provided always, that the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, may allow to any Commissioner, secretary, accountant, clerk, or other officers any such reasonable travelling and other expenses as may be incurred by them respectively in the performance of their duties under this Act, in addition to their salaries or allowances respectively; and the said salaries, allowances, and expenses shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

v. That the said Commissioners or any two of them shall, on some day or days between the 1st of August and the 31st of December in this present year, sit as a board for the execution of this Act at the several towns or places, or within a convenient distance thereof, within each of the said counties before mentioned respectively, at which the trustees or Commissioners of any turnpike trusts have been, before the passing of this Act, accustomed to hold their regular meetings for transacting the business relating to such trusts: Provided always, that the said Commissioners shall cause notice to be given of the several days and times at which they shall determine to hold their sittings at the said several towns or places in each of the said counties respectively, by causing one or more advertisements thereof to be inserted in some newspaper or newspapers circulating in such county twenty-one days at least before the time fixed for holding any sitting under this Act: Provided also, that in case the trustees of any trust within any of the said counties shall have heretofore been accustomed to hold their meetings at two or more places alternately, it shall be lawful for the said Commissioners at their discretion to sit at one or more of such places as they shall deem convenient; and the said Commissioners shall have power to adjourn their sittings from time to time, and from place to place, as may be found necessary.

vi. That the said Commissioners or any two of them, sitting as aforesaid, shall make full and diligent inquiry into the management, revenue, debts, condition, and circumstances of the several turnpike trusts lying or partly lying within each of the said counties respectively, and shall examine and ascertain the amount, nature, and value of all debts due or claimed to be due by or from any turnpike trust which shall have been contracted under the powers and in conformity with the provisions of any Act of Parliament relating to such trust, and shall inquire how much of such debts consists of unpaid interest, and for what period such interest shall be in arrear, and all such other particulars respecting the same, and respecting the administration of such trusts and the roads comprised in the same respectively, as the said Commissioners shall deem necessary in order to the execution of the several powers and duties hereby vested in them; and the said Commissioners shall then require all persons being or claiming to be creditors or mortgagees of the tolls of the said several turnpike trusts to produce or cause to be produced before the said Commissioners all mortgages, deeds, contracts, or other securities in respect of which such creditors or mortgagees claim to be entitled to any principal monies or interest out of the tolls of such trusts, and the said Commissioners shall examine and compare the said mortgages or other securities with the registers thereof, and shall take a full and particular account of the same; and in case it shall appear to the said Commissioners, by the books kept by the clerk or treasurer to any trust, or by any other evidence satisfactory to the said Commissioners, that any person is a *bona fide* creditor or mortgagee of the tolls of such trust, though the mortgage or security before granted or assigned to such person in respect thereof may have been lost, mislaid, or destroyed, it shall be lawful for the said Commissioners to include such person

in the list of creditors or mortgagees of such trust in respect thereof; and the said Commissioners are hereby empowered, by summons under their hands, to require the attendance of all clerks, surveyors, treasurers, and other officers of any of the said trusts, as well as of all other persons whom they may think fit to call before them upon any question or matter connected with or relating to the subject of the said inquiry, and also to examine all such persons, and to require the production of all books, contracts, agreements, accounts, maps, plans, Acts of Parliament, papers, and documents, or copies thereof, in anywise relating thereto; and the said Commissioners may, if they shall think fit, require any person whom they shall examine with respect to any of the matters aforesaid to make or subscribe a declaration of the truth of the matters respecting which such person shall have been or shall be examined: Provided always, that no such person shall be obliged by any such summons to go or travel more than twenty miles from the place of his usual abode.

VII. That if any person being examined by the said Commissioners, or the arbitrators or umpire after mentioned, under the authority of this Act, shall wilfully and corruptly give false evidence, or shall subscribe a false declaration, or if any person shall wilfully refuse to attend in obedience to the summons of the said Commissioners, or shall wilfully refuse to give evidence, or to make and subscribe such declaration as aforesaid, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, writings, plans, maps, Acts of Parliament, papers, or documents, which may be required to be produced before the said Commissioners, every person so offending shall be deemed guilty of a misdemeanour.

VIII. That the said Commissioners acting as aforesaid under the authority of this Act, and the arbitrators and umpire after mentioned, shall make or cause to be made a full and particular record in writing of their proceedings, and of all such matters and things in the course of the several examinations and inquiries hereinbefore directed to be made by them, as they shall deem essential.

IX. That so soon as the said examination and inquiry into the affairs and finances of any of the said trusts respectively shall have been made as aforesaid, and all such evidence as the said Commissioners shall deem necessary shall have been heard and received touching the same, the said Commissioners shall forthwith proceed to determine respecting the claims of the several persons being or claiming to be mortgagees or creditors of such trust, and shall estimate and determine the fair and actual value of every 100*l.* of debt secured by mortgage or assignment of or other charges on the tolls of such trust, and also the value, if any, of every 100*l.* of interest remaining due upon any such mortgage debts, excluding nevertheless all such interest as shall have been due and in arrear for more than six years previous to the 1st of August in this present year, which said last-mentioned interest the said Commissioners shall in all cases deduct and disallow; and as to any turnpike trusts wherein are comprised any roads or portions of roads locally situated in two or more counties, the said Commissioners shall decide in what manner and according to what proportions the debts outstanding upon such trusts shall be apportioned and made chargeable upon each of such counties respectively, and the said Commissioners shall thereupon make their award in writing under their hands and seals, and shall specify therein the names of all such persons as they shall have determined to be entitled to any monies, in respect of principal or interest, as mortgagees or creditors of such trust, together with the sums to which in the judgment of the said Commissioners the said persons shall be respectively entitled, according to the value of their respective debts; and the said Commissioners shall forthwith deliver their said award to the clerk of such trust, and the said clerk shall, within three days from the delivery of such award, give or send notice in writing to the several persons therein specified as creditors of such trust, or to the lawful representatives or agents of such persons, of the sums thereby awarded to them respectively, according to the tenor and effect of the said award; provided that all notices directed by this Act to be served or given, except such as are to be given by advertisement in any newspaper, may be sent by post.

X. That where any monies shall be due to any infant, the award may be made for the payment of the sum therein specified to the parent or guardian of such infant, or if there shall be no parent or guardian, then to any trustee or trustees for such infant; and if any monies shall be due to a lunatic or idiot, then the award may be made for such payment to the committee of such lunatic or idiot; and where any monies shall be due to any person in trust for others, the award may be made for such payment to the trustee or trustees; or in case of the refusal to act or incapacity of such trustee or trustees, then the said Commissioners, by their said award, or by any writing under their hands and seal, may appoint another or other trustees for the purpose of receiving such payment.

XI. That in case any person so adjudged to be entitled to any monies as a mortgagee or creditor of any such turnpike trust (or the executor, administrator, parent, guardian, trustee, or committee of any such person, in case the person so adjudged to be entitled shall have died, or shall be a minor, cestuique trust, lunatic, or idiot,) shall be dissatisfied with the amount determined by the award of the said Commissioners to be payable in respect of the debt due to such person, then such person, or such executor, administrator, guardian, trustee, or committee, shall, within twenty-one days from the receipt of the said notice of award, signify his dissent from such award by notice in writing to be served upon the clerk of the said trust; and the said clerk shall, within three days after the expiration of the said twenty-one days, transmit a list of the names of all such dissentients to the said Commissioners or to their secretary; and all such creditors or persons authorized to act on their behalf who shall fail to give notice of dissent within the time hereby limited shall not afterwards be at liberty, except only in the case hereinafter described, to question or object to such award; and the said award shall be binding and conclusive upon all such creditors and persons to all intents and purposes whatsoever.

XII. That in case any creditor mentioned in such award, or person authorized to act on behalf of such creditor, shall have duly given notice of such dissent as aforesaid, and the same shall have been duly certified by the clerk of such trust to the said Commissioners, the said Commissioners shall thereupon appoint some convenient time and place, whereof they shall cause not less than fourteen days notice to be given by advertisement in one or more newspapers circulating in any county wherein such trust shall be situate, for determining the claims of all dissentient parties by arbitration, according to the provisions hereinafter contained.

XIII. That the said dissentients shall attend before the said Commissioners in person, or by their agents, at the time and place which shall have been so appointed as aforesaid, and the majority in number of such dissentients, if more than two, and if two or one, then such two or one, shall elect and appoint some one fit and competent person, not being in anywise interested in the subject matter of such award, to be an arbitrator on their or his behalf, and shall signify the appointment of such arbitrator to the Commissioners; and the Commissioners, if they shall approve of such appointment, shall thereupon nominate one other indifferent person to be an arbitrator on their part; provided always, that the said dissentients shall have no power to revoke the appointment of the arbitrator by them appointed after the same shall have been signified to and approved by the Commissioners; and in case the said dissentients shall refuse or neglect to appoint such arbitrator, then it shall be lawful for the said Commissioners to appoint one arbitrator to act on behalf of both parties, and in such case the award or determination of such one arbitrator shall be final and conclusive, in the same manner as if two arbitrators had been appointed and had concurred in the same.

XIV. That if before the matters referred to such arbitrators shall have been determined any arbitrator appointed by either party shall die, or become incapable or refuse or neglect to act as arbitrator, the party by whom such arbitrator was appointed may appoint in manner aforesaid some other indifferent person to act in his stead.

XV. That in case the said arbitrators so to be appointed as aforesaid shall be unable to agree upon and determine the matters referred to them, they shall jointly nominate and appoint some third person, to be approved by the said Commissioners, to act as umpire, or if the said arbitrators cannot agree in such appointment, then an umpire shall be named by one of Her Majesty's principal Secretaries of State; and the decision of such umpire on the matters so referred to shall be final.

XVI. That the said arbitrators, or their umpire, shall inquire and determine what sums of money shall be paid to the said dissentients in respect of their debts, and shall have the same powers and authorities for the purpose of the said arbitration as are hereinbefore given to the said Commissioners touching the examining of witnesses, as well the persons on whose behalf any such arbitration shall have been instituted as others, and touching the production of any books, papers, contracts, writings, or documents which they or he shall deem necessary for the purpose of such arbitration.

XVII. That the said arbitrators, or their umpire, shall make their or his award in writing touching all the several matters referred, under their hands and seals or hand and seal, and shall forthwith deliver one copy or duplicate thereof to the said Commissioners, and another copy or duplicate thereof to the clerk of such trust; and such clerk shall forthwith give notice to the said persons on whose behalf such arbitration shall have been instituted of the tenor and effect of such award; and such award shall be final, conclusive, and binding on the said persons, and on all other persons whomsoever, and shall have the same force and effect as any award made by the said Commissioners in pursuance of this Act.

XVIII. That the said Commissioners shall allow to any person acting as arbitrator or umpire, according to the provisions of this Act, such sums for his services and loss of time therein as the said Commissioners shall deem reasonable; and the said sums, and all other expenses incurred in and about such arbitration, shall be borne and paid as follows; (that is to say,) if the sum awarded by such arbitrators or umpire to be paid to the parties dissenting from the award of the said Commissioners shall be a greater sum than the sum specified in the said last-mentioned award, then all the said costs, charges, and expenses attending the proceedings before the said arbitrators or umpire shall be paid in like manner as other charges and expenses which shall be incurred by the said Commissioners, or by their authority, in carrying this Act into execution; and in case the sum or sums awarded by such arbitrators or umpire shall not be a greater sum or sums than the sum or sums specified in the award of the said Commissioners, then such costs, charges, and expenses as aforesaid shall be borne and paid rateably by the several parties on whose behalf the said arbitration shall have been instituted: Provided always, that all costs, charges, and expenses to be borne by such parties, may, in default of their paying the same, be paid in like manner as other charges and expenses incurred in the execution of this Act as aforesaid; and in that case the same shall be fairly and rateably apportioned by the said Commissioners among the said parties respectively, and the same shall be deducted from the payments thereafter to be made to such parties in respect of the several sums awarded to them, according to the provisions hereinafter contained.

XIX. That no award or other instrument relating to or arising out of any arbitration which shall take place in pursuance of this Act, and no advertisement which, in pursuance of this Act, and by direction of the said Commissioners, shall be inserted in the *London Gazette* or in any newspaper, shall be chargeable with any stamp duty.

XX. That in case any person claiming to be a mortgagee or creditor of any turnpike trust shall, by reason of absence from the realm, or any other unavoidable and necessary cause, fail to give notice to the Commissioners of such mortgage or debt within the time and according to the regulations hereinbefore limited and provided, or in case any person who shall have been proved to the satisfaction of the Commissioners to be a mortgagee or creditor of any turnpike trust, and with respect to whose mortgage or debt any award shall have been made by the Commissioners shall, by reason of such unavoidable and necessary cause as aforesaid, fail to give notice of dissent from such award within the time and according to the regulations hereinbefore limited and provided, it shall nevertheless be lawful for the said Commissioners, upon the application of such person at any time within twelve months from the passing of this Act, provided they shall be satisfied with the cause alleged, to receive evidence of such mortgage or debt, and to make their award respecting the same as hereinbefore directed, or otherwise to direct an arbitration to be instituted, as the case may be, according to the regulations hereinbefore contained, at such time and place, and on such terms and conditions, with reference to the circumstances of the case, as to the said Commissioners shall appear just and reasonable: Provided always, that all parties omitting to give such notice or to make such application within twelve months from the passing of this Act shall be thereafter finally barred and concluded from any further application, appeal, or other proceeding with respect to any such debt or mortgage, or with respect to any award of the Commissioners concerning the same.

XXI. That the said Commissioners, so soon as they shall have made the said examination and inquiry hereinbefore directed to be made into the condition, circumstances, and affairs of the several turnpike trusts in all or any of the said six counties,

and so soon as they shall have estimated and ascertained the sums payable to the several creditors of the said trusts respectively, and shall have made or caused to be made the several awards concerning the same, shall make a full and particular report, under their hands and seal, to one of Her Majesty's Principal Secretaries of State, and shall therein specify in detail the sums by them or by their authority awarded to be due and payable to the several creditors of each of the said trusts respectively, and also the total or aggregate sums which they shall have determined to be chargeable in respect of such debts to or upon each of the said counties respectively, and shall also make such further report or returns respecting any other matters and things thereto appertaining as the said Commissioners shall deem necessary, or as one of Her Majesty's said Principal Secretaries of State shall require; and the said Commissioners shall also make such other and additional reports from time to time respecting any matters and things by them done in the execution of this Act, or relating to the same, as Her Majesty's said Principal Secretary of State shall require.

XXII. That when the said Commissioners shall have made their report of the sums awarded to be paid to the said creditors in respect of their said debts and interest, and such report shall have been approved of by one of Her Majesty's principal Secretaries of State, then it shall be lawful for the Commissioners for carrying into execution an Act, 5 & 6 Vict. c. 9, intituled 'An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes,' (and which said Commissioners are hereinafter designated as the Public Works Loan Commissioners,) in manner after mentioned, to cause to be paid the several sums of money so fixed by such awards respectively to the parties entitled to receive the same under the said awards, together with interest thereon after the rate of 3l. per cent. per annum from the date of the said awards respectively to the day which shall be appointed by the said Public Works Loan Commissioners for the payment thereof; and the payment to the persons named in such awards respectively, their executors, administrators, or assigns, or to the parent or guardian of any infant, or to the committee of any lunatic or idiot, shall be a valid and effectual payment and discharge of and in respect of such monies so awarded, and of all claims of such persons in respect of the same.

XXIII. That for the purpose of providing a fund for such payments the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being are hereby empowered, by warrant under the hands of any three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing produce thereof from time to time, to the Commissioners for the Reduction of the National Debt, a sum or sums of money not exceeding 225,000*l.* to be by them held in trust for the purposes hereafter mentioned.

XXIV. That the Commissioners for the time being for the Reduction of the National Debt shall be and they are hereby appointed trustees on the part of the public for holding the said monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall cause a separate account to be opened at the Bank of England with them for such purpose, under the title of "The Commissioners for the Reduction of the National Debt on account of the South Wales Turnpike Trust Fund," which account the Governor and Company of the Bank of England shall and they are hereby required to open in their books accordingly, and to which account shall be carried all such monies as shall be issued and paid out of the Consolidated Fund for the purposes aforesaid; and there shall be provided and kept in the office of the said Commissioners for the Reduction of the National Debt a book or books, in which all the monies transferred to the account of the said last-mentioned Commissioners by virtue of this Act shall be entered and kept separate and apart from all other monies; and such monies shall be by them held subject to the disposal and orders of the said Public Works Loan Commissioners for the purposes of payments to be made by them in pursuance of this Act.

XXV. That the Governor and Company of the Bank of England shall and they are hereby required to open an account in their books with the Public Works Loan Commissioners, under the title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, *et cetera*, (South Wales Turnpike Trusts,)" and to the credit of which account shall be carried all principal monies and interest which shall from time to time become payable in respect of the monies hereinafter directed to be secured to such last-mentioned Commissioners, and shall be paid to the cashiers of the said Bank of England, upon such or the like certificates, under the hands of the said last-mentioned Commissioners, as by the said recited Act is provided or referred to in the case of payments to be made into the Bank as therein is provided, or as near thereto as the difference of circumstances will admit.

XXVI. That all and every sum and sums of money which shall be paid into the Bank of England to the account of the last-mentioned Commissioners, under or by virtue of this Act, shall from time to time, immediately on such payments being made to the said account, be transferred by the Governor and Company of the Bank of England to the account kept by the said Bank of England with Her Majesty's Exchequer, and when so transferred shall be carried to and be made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

XXVII. That when and so soon as the said last-mentioned Commissioners shall have determined upon any amount of money to be paid under the provisions of this Act, the said Commissioners or any three or more of them shall forthwith certify such amount to the Commissioners for the Reduction of the National Debt for the time being; and at the foot of every such certificate the Secretary of the said Public Works Loan Commissioners shall state the name or names of the person or persons by whom every such certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such certificate being produced to the officer of the said Commissioners for the Reduction of the National Debt, the comptroller general or assistant comptroller, or chief clerk acting under the said last-named Commissioners, shall upon the back of every such certificate indorse and sign an order for the payment of the sum mentioned in every such certificate to the person or persons named at the foot of every such certificate, or to one of such persons, and which order of such officer previously to the issuing thereof shall be entered by the clerk or other proper officer, and shall be countersigned by the actuary or other check officer acting under the said last-named Commissioners, and shall be addressed to the Governor and Company of the Bank of England; and such cashiers or one of them shall upon the production of every such order pay the sum mentioned therein to the person or persons mentioned in every such order; and the signature of such person or persons, jointly or severally,

shall be a sufficient discharge to the said Commissioners for the Reduction of the National Debt, and to the said governor and company respectively; provided the total amount directed to be paid by such certificates or certificates respectively shall not at any time exceed the amount for the time being standing to the credit of the said account of the said Commissioners for the Reduction of the National Debt under the provisions of this Act.

XXVIII. That the Commissioners for the Reduction of the National Debt shall cause to be made up, for examination and audit, an annual account to the 31st of December in each year of the receipts, payments, and balances on the said account so directed to be kept by them in respect of the said "South Wales Turnpike Trust Fund" as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

XXIX. That an account shall be made up on the 25th of March and the 29th of September in every year of the monies which shall have been paid by the said Public Works Loan Commissioners as aforesaid, together with interest thereon from the respective days of payment up to the said 25th of March or the 29th of September, as the case may be, distinguishing the same so as to show the amount paid to creditors on tolls within each of the aforesaid counties respectively, together with such interest as aforesaid; and thereupon the said Commissioners for carrying this Act into execution, in consideration of the sums so respectively paid to the creditors on the tolls of each of the said counties respectively, together with such interest as aforesaid, shall charge the county roads fund hereinafter mentioned, and the rates to be levied in aid thereof as after mentioned, with the payment to the said Public Works Loan Commissioners, on account of the South Wales Turnpike Trust Fund, of such an annuity as shall be equal to 5*l.* 5*s.* for every sum of 100*l.* so paid as aforesaid by the last-named Commissioners, together with such interest as aforesaid in respect of each separate county, and so in proportion for any fractional part of 100*l.* paid, such annuity to be payable from the said 25th of March or the 29th of September up to which such account shall have been made, for the term of thirty years, and to be paid half-yearly, and without deduction, on the 25th of March and the 29th of September in every year, and the first payment to be made on such of the said half-yearly days of payment as shall next happen after such charge shall have been made, and so as the county roads fund aforesaid, and such rates in aid thereof as aforesaid of each county be charged with such an annuity as aforesaid in respect of the sums paid to the creditors on the tolls within that county, and such interest thereon as aforesaid, and no more.

XXX. That with respect to any monies to be paid by the Public Works Loan Commissioners after the powers hereby given to the Commissioners for carrying this Act into execution shall have ceased, then such charge as aforesaid shall be made and executed by one of her Majesty's principal Secretaries of State.

XXXI. That all such charges to be made as aforesaid shall be made and prepared in such form as the said Public Works Loan Commissioners shall from time to time order or direct, and, when executed by the parties hereby authorized to make such charges, shall be valid in the law, and shall be made to the secretary for the time being of the said Commissioners last mentioned, and in all respects as by the said recited Act, 5 & 6 Vict. c. 9, and the Acts therein recited, is directed and provided with regard to securities and charges to be made to the secretary for the time being of the Commissioners last mentioned; and all provisions and directions in the said recited Act and the Acts therein recited shall apply to such charges or securities to be made in pursuance of this Act in such manner as if the same were herein repeated; and the fact of the secretary of the said Commissioners being a party to such charge shall be deemed conclusive evidence of the same having been prepared in the form prescribed by and under the order and direction of the said last-mentioned Commissioners.

XXXII. Provided and enacted, That nothing in this Act contained shall authorize the Commissioners for carrying this Act into execution to award to the Commissioners for carrying into execution the said recited Act, 5 & 6 Vict. c. 9, or to any of the Commissioners for carrying into execution any of the several Acts therein recited, in respect of any mortgage or other charge on the tolls of any turnpike trust in South Wales heretofore made to any such Commissioners respectively, or their secretary, and to which no other fund or payment is now by any law or statute made applicable, any sum less than the full amount which shall be due thereon for principal and interest up to the day of the date of such award as aforesaid; but all such principal monies and interest which shall be so due shall be awarded in full to the said Public Works Loan Commissioners, or their secretary for the time being, in lieu of such debts and interest being valued in manner hereinbefore specified with respect to such other debts or charges and interest so as aforesaid directed to be valued, and shall be paid accordingly.

XXXIII. That it shall be lawful for the Commissioners of her Majesty's Treasury for the time being, by warrant under the hands of any three or more of them, from time to time to direct the payment of any part of the monies by the said recited Act, 5 & 6 Vict. c. 9, authorized to be paid to the Commissioners for the time being for the Reduction of the National Debt (as in the said Act is provided) to be paid into the Bank of England to the account kept by the said Bank of England with her Majesty's Exchequer, and when so paid the same shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, so as such sums so to be paid shall not exceed the amount of the sums from time to time to be advanced for the purposes of this Act.

XXXIV. That all local Acts of Parliament for making, repairing, or regulating any turnpike road or roads within any of the said counties respectively shall, so far as relates to the several turnpike roads locally situated within the said counties respectively, be repealed by virtue of this Act; and the repeal of every such local Act respectively shall date and take effect from and after such day as the said Commissioners, by order under their hands and seal, and whereof notice shall be published in the *London Gazette*, shall appoint and declare with respect to such local Act or Acts as shall be specified in such order respectively; and the provisions of this Act hereinafter contained for consolidating the several trusts in each of the said counties, and for altering and remodelling the management of the same, shall thenceforward come into full operation and effect: Provided always, that the repeal of the said Acts shall not have the effect of reviving any former Acts which have been repealed by those Acts or any of them, but such former Acts shall continue repealed in the same manner as if this Act had not been passed.

XXXV. That the said Commissioners shall, so soon as the said inquiry hereinbefore directed to be made into the debts and circumstances of the several turnpike trusts shall have been completed, cause a notice in writing to be addressed to

the clerk of the peace of each of the said counties respectively, and her Majesty's Justices of the Peace acting in and for each of the said counties respectively shall, at their General Quarter Sessions of the Peace to be held for such county next after the date of such notice, or if the regular time for holding such General Quarter Sessions shall not happen within thirty days from such date, then at some General Sessions to be duly summoned for that purpose, according to the regulations now in force for the summoning of the same, and to be held within thirty days from the date of such notice, elect and appoint not less than six nor more than twelve fit and competent persons, being Justices of the Peace acting in and for the said county, to be members of the board to be constituted in pursuance of this Act for the management and controul of all turnpike roads lying within each of the said counties respectively; and in case the said Justices shall, at their said General or Quarter Sessions which shall be held next after the said notice, or in pursuance thereof, elect a less number than twelve persons to be members of the said board, then it shall be lawful for the said Justices from time to time, at any subsequent General Quarter Sessions, to elect so many other persons, being Justices as aforesaid, as, together with the said persons before elected, shall not exceed the said number of twelve; and whenever any of the persons who shall have been so elected respectively shall die or resign, or if any of the said persons shall absent themselves from the meetings of the said boards for the space of twelve months, the said Justices of the Peace shall, at their General Quarter Sessions held next after such vacancy shall have occurred, elect and appoint another or other person or persons in the room of the person or persons who shall have died or resigned as aforesaid: Provided always, that notice of any election to take place in pursuance of this Act shall in all cases be given by the clerk of the peace for such county, by inserting an advertisement thereof in one or more of the newspapers circulating in such county fourteen days at least before the said General Quarter Sessions at which such election is intended to take place.

XXXVI. That in each of the said counties respectively the several persons herein next mentioned shall be *ex officio* members of the said board; that is to say, the Lord Lieutenant and the Vice Lieutenant (if any) of such county for the time being, all eldest sons of peers, and all members of her Majesty's Privy Council, who shall respectively reside in such county, or be rated in respect of any property therein, and all members of the House of Commons who shall have been elected to serve in Parliament for such county, or for any borough or place therein, and the chairman of Quarter Sessions for such county for the time being.

XXXVII. That the said board to be constituted by virtue of this Act in each of the said counties respectively shall be styled "The County Roads Board," and shall subject to the provisions and restrictions hereinafter contained, have the superintendence, controul, and management of all turnpike roads, and parts of turnpike roads, situated in any of the said counties respectively, which shall have been heretofore regulated by any local Act or Acts of Parliament to be repealed in pursuance of this Act, and which shall be determined by the said Commissioners in manner hereinafter provided to be maintainable as turnpike roads in any of the said counties respectively.

XXXVIII. That the several powers, provisions, and regulations of the Acts mentioned in the first Schedule to this Act annexed (and which are hereinafter called the general Turnpike Acts) shall, except so far as the same are varied, altered, or repealed by this Act, continue to apply to all roads which shall hereafter be maintained, pursuant to the said determination of the said Commissioners, as turnpike roads within any of the said counties respectively; and all powers, privileges, rights, exemptions, penalties, restrictions, and liabilities belonging or appertaining, by virtue of the said general Turnpike Acts or any of them, to any trustees or Commissioners acting in execution of any local Act for regulating any turnpike roads, shall, except so far as the same are varied, altered, or repealed by this Act, or are repugnant or contradictory thereto, apply to all persons who shall be members of any of the said county roads, boards, and also, so far as the same shall be found applicable, to all members of any district boards to be constituted by virtue of this Act in manner hereinafter provided.

XXXIX. That in each of the said counties respectively the present collectors of tolls, surveyors, clerks, and all other officers and persons who shall have received any tolls or other money under or by virtue of any local Act for regulating turnpike roads to be repealed in pursuance of this Act, shall, so soon as they shall be required by the county roads board acting in and for the county to which the tolls or roads included in such local Act shall respectively be determined to belong, account for, pay, and deliver over such tolls or other money to the said county roads board, or to some person to be by the said county roads board appointed for that purpose, in the same manner as they are by the said general Turnpike Acts required to do to the trustees by or under whom they have been appointed, and shall be subject to the like provisions and penalties for enforcing the production of such account, and such payment and delivery over, as they would have been subject to under the said general Turnpike Acts if they had refused or neglected to produce, pay, or deliver over the same as thereby required to the said trustees: Provided always, that in case any road or roads included in any turnpike trust shall lie in more than one of the said counties, the officers acting under the local Act regulating the same shall pay and deliver over the monies in their hands, and other property of or belonging to such trust as aforesaid, in such proportion between two or more such county roads boards as the said Commissioners shall order and direct.

And after reciting that many persons may at the time of the repeal of the said local Acts be farmers of the tolls arising on turnpike roads, and may hold leases or contracts with the trustees acting in execution of such Acts, which leases or contracts may be unexpired at the time of such repeal: And that the rates of such tolls, and the distances within which the same shall be payable, may be altered by virtue of this Act, and the roads to which such contracts relate may be situated in different counties, and may be placed by virtue of this Act under different management and controul:

It is Enacted,

XL. That it shall be lawful for the county roads board acting in and for the county wherein the roads to which such leases or contracts relate shall lie, upon application made to such board by such farmer of tolls, lessee, or contractor, to release and discharge such farmer, lessee, or contractor from such lease or contract, and the same shall thenceforth become void and of no effect as to the residue of the term or time then to come and unexpired therein, anything contained in such lease or contract, to the contrary notwithstanding: Provided always, that it shall be lawful for the said county roads board to make such composition and agreement with the parties interested therein for apportionment of rents or payments, and also to

make such compensation or allowance to the said parties, as to the said county board shall seem just and reasonable: Provided also, that in case the roads to which such leases, contracts, or agreements relate shall lie, as to part thereof, in more than one of the said counties, then such apportionment of rent or payment shall be made, and such compensation and allowance shall be paid, as between the several county boards interested therein, in such manner and according to such rules and proportions as the said Commissioners shall determine.

XLII. That all persons who shall, at the time of the repeal of any of the said local Acts to be repealed in pursuance of this Act, owe any sum or sums of money to the trustees theretofore acting under such local Act shall pay the same, as soon as they shall be required so to do, to the county roads board acting in and for the county wherein the roads theretofore regulated by such local Act shall lie, instead of such trustees; and such county roads board shall have the same benefit of all bonds and securities, and of all other remedies for recovering and obtaining payment of such sums respectively, as the said trustees might or could have had in case this Act had not been passed, or in case such sums of money had been originally due and owing to such county roads board; and all sums of money (other than such sums of money as have been advanced on the security of the tolls of any turnpike road) which at the time of the repeal of any of the said local Acts shall be owing from the trustees theretofore acting under any such local Act, and which shall have been *bond fide* incurred, applied, or expended in the execution of any such local Acts, shall be paid to the parties thereto entitled by such county roads board, instead of such trustees, and such trustees shall be and are hereby discharged therefrom: Provided always, that where any such sums of money shall be due to or by the trustees of any turnpike road or roads which shall lie, as to part thereof, in more than one of the said counties, the same shall be payable to or by the county roads boards of the several counties respectively in which the said roads shall lie, according to such rules and proportions as the said Commissioners shall determine.

XLIII. That all and every turnpike roads and road regulated by any local Act to be repealed in pursuance of this Act, and all turnpikes, toll houses, gates, weighing machines, carts, watch-boxes, lamps, lamp posts, and other erections and buildings on the said roads, which shall have been erected under the powers of the said local Acts or any of them, or of any former Acts for the making or repairing of the said roads respectively, or of the said general Turnpike Acts, shall from and after the repeal of the said local Acts respectively be and remain vested in the several county roads boards acting in and for the several counties wherein such roads respectively shall lie, in like manner and to the same extent as they are now respectively vested in the trustees acting in execution of such local Acts; and all the estate, right, title, and interest of the several trustees acting in execution of the said local Acts to be repealed in pursuance of this Act of and in all lands, houses, quarries, gravel pits, or other hereditaments whatsoever purchased for widening, improving, altering, or repairing the said roads or any of them, and of and in all estates devised or settled in trust for the repair of the said roads or any of them, or charged with any payments in respect thereof, shall from and after the repeal of the said local Acts respectively be and remain vested in the county roads boards of the several counties in which the said turnpike roads shall respectively lie: Provided always, that where any such turnpike road or roads shall lie, as to part thereof, in any two or more counties, such estate, right, title, and interest shall be divided and apportioned between, according to such rules and proportions, and on such principles of division, as the said Commissioners shall determine.

XLIV. That all materials, and all tools or implements, purchased or provided for the repair of any turnpike road or roads regulated by any local Act to be repealed in pursuance of this Act, and which at the time of the repeal of the said Acts respectively shall belong to the trustees acting in the execution thereof, shall from thenceforth belong to and be the property of the county roads board or boards of the county or counties which the said Commissioners shall, by their order, determine to be entitled to the same, or shall be divided between any two or more such boards in such proportion as the said Commissioners shall determine; and in any action, suit, or other proceeding brought or instituted by or on behalf of any county roads board for or in respect of or in anywise relating to the said roads, materials, or other estate or effects, or any other property, real or personal, which shall hereafter belong to any county roads board, or in any bill of indictment preferred by or by the direction of any county roads board against any person or persons who shall dig up, break or pull down, take or carry away, spoil, injure, or destroy, any of the said roads, lands, materials, or other estate and effects or other property as aforesaid, it shall be sufficient to state generally such roads, lands, materials, or other estate, effects, or property to be the property of such county roads board, and it shall not be necessary to specify the names of any member or members of the same.

XLV. That, as soon as conveniently may be after the repeal of the said local Acts respectively, the county roads board in each of the said counties respectively may, by themselves or by such person or persons as they shall appoint in that behalf, take possession of all the said turnpike roads, and of all lands and other property hereby vested in the said county boards respectively; and the said several trustees acting under the authority of the said local Acts to be repealed in pursuance of this Act shall surrender and give up to the said county roads boards respectively, or to the persons whom they shall respectively appoint in that behalf, the roads for which they shall respectively be trustees, together with all lands and other property hereby vested in the said county roads boards which shall then be in the possession of the said trustees respectively, and also the title deeds of such lands and other property, and all leases and counterparts of leases thereof, and all other instruments, books, papers, accounts, vouchers, writings, and all other matters and things, in the possession of such trustees respectively, or of their respective clerks, treasurers, surveyors, collectors, or other officers, relating to the said roads respectively; and the said trustees shall also deliver to the said county roads boards, or other person appointed by them in that behalf, accounts of all balances in their hands or in the hands of any bankers or other persons for the use of the said roads, and shall pay over or transfer such balances to or to the credit of the respective treasurers of the said county roads boards hereafter to be appointed; and any trustee, clerk, treasurer, surveyor, collector, or other officer of any trustees who shall refuse or neglect to surrender, or give up to such county roads board, or to the person appointed by them in that behalf, any road, land, or other property, or to deliver an account of or pay over or transfer any balance, pursuant to the directions in this Act contained, for the space of one month after he shall have been required so to do by order of such county roads board shall be guilty of a misdemeanor.

XLVI. That from and after the repeal of the said local Acts respectively no mortgagee of the tolls of any turnpike road in any of the said counties shall have any right to sue for, recover, or take possession of any tolls, toll gate, or lands mortgaged

in any mortgage deed relating thereto, or to sue for any principal sums lent to such trust, or any part thereof, or any interest thereon, anything contained in the said general Turnpike Acts, or in any other Act notwithstanding.

XLVI. That every mortgagee or other person who shall, previously to the repeal of the said local Acts respectively, have taken possession of any tolls, toll house, or toll gate of or upon any turnpike road in any of the said counties, or of any lands or tenements the rents and profits whereof are appropriated to the repair of any such turnpike road, shall, on some day to be hereafter appointed by the county roads board acting in and for that county in which any such toll gates or lands shall lie, deliver up to such county roads board, or to such person as the said board shall appoint, possession of all such tolls, toll houses, or lands, and shall at the same time render to the said county roads board, or to such other person as aforesaid, an exact account of all the tolls received by such mortgagee, or by any other person for his use and benefit, or by his authority, and also of the manner in which he shall have applied such tolls; and in case he shall not give up possession as aforesaid, or shall remain in possession of the said tolls, toll houses, and lands, or any of them respectively, after the time so appointed by such county roads board as aforesaid, he shall forfeit and pay to such board the sum of 50*l.* for every day that he shall thereafter continue in possession, over and above all tolls which he shall receive while so continuing in possession; and in case he shall fail to render an account as aforesaid, or shall wilfully render an account wrong or false in any respect as hereinbefore mentioned, he shall forfeit and pay to the said county roads board the sum of 50*l.* for every day after such failure to account, or to render a true and correct account, as aforesaid, until such account be rendered or made right, and until such balance as may be due from such mortgagee or other person upon such account shall be paid: Provided always, that in all actions of ejectment for the recovery of any tolls, toll houses, or lands which shall be pending at the time of the repeal of the said local Acts respectively, the parties instituting such actions shall be entitled, in case they shall obtain a verdict therein, to such costs of suit as if this act had not been passed; and that the county roads board of any county comprising any turnpike roads, for the recovery of the tolls or toll gates on which any action of ejectment shall be so pending, shall be at liberty, immediately after the repeal of the said local Acts respectively, to apply to one of the Judges of the superior courts at Westminster to order that such actions be stayed on payment to the parties instituting such actions of the costs thereof only, and such Judge shall make such order accordingly.

XLVII. That in every case where any hundred, parish, hamlet, or place, or any particular person or persons, body or bodies politic or corporate, or any lands, tenements, or hereditaments, is or are now by law chargeable with or towards the repairing or maintaining of any turnpike road or roads regulated by any local Act to be repealed in pursuance of this Act, or any part thereof, or any bridges, causeways, drains, or sewers upon or in the same, the inhabitants of every such hundred, parish, hamlet, or place, and every such person, body politic or corporate, and the owners and proprietors, feoffees and trustees, of such lands, tenements, and hereditaments respectively, shall, except such as are expressly exempted by this Act, still remain chargeable with or towards the repairing or maintaining of such roads, bridges, causeways, drains and sewers respectively, in like manner as they would have been in case this Act had not been passed; and all bodies politic or corporate, trustees, and other persons, who, by reason of any Act of Parliament, grant, deed, charter, will, or otherwise, are liable to pay or apply any sums of money whatsoever arising from the rent of lands, tenements, hereditaments, or the interest arising from any monies in the funds, or otherwise, in, for, or towards the repair or improvement of the said roads or any of them, shall, except as aforesaid, from time to time account for and pay over such sum or sums of money, rents, or interest to the said county roads boards acting in and for the county in which such roads shall lie, or to the respective treasurers of such boards for the time being, or otherwise as the said boards shall respectively order in that behalf, and the said boards shall apply such sum or sums of money, rent, or interest in, for, or towards the repair or improvement of the said roads respectively: Provided always, that in all cases in which the liability to pay any sum or sums of money as aforesaid shall be in respect of the repair or improvement of any turnpike road or roads lying, as to part thereof, in more than one of the said counties, such sum or sums of money shall be paid to or to the account of the several county roads boards acting in and for the respective counties in which such road or roads shall lie, according to such rules and proportions as the said Commissioners for carrying this Act into execution shall determine.

XLVIII. That the said county roads boards acting in and for each of the said counties respectively may, subject to the restrictions hereinafter contained, continue all or any of the toll gates, toll bars, and toll houses in any of the said counties erected by virtue of any of the local Acts to be repealed in pursuance of this Act, or by virtue of any former Act relating to any turnpike roads within or partly within any of the said counties, and may, subject as aforesaid, erect such other toll gates, toll bars, and toll houses in, upon, or across, or at the sides of such parts of any of the turnpike roads within any of the said counties respectively as the said county roads boards shall think proper and expedient, and from time to time may repair, renew, and rebuild, as occasion shall require, such toll gates, toll bars, and toll houses, and cause all such other erections, buildings, and other conveniences to be made and put up, as in their opinion shall be necessary and proper for the collecting and levying of the tolls hereinafter authorized to be taken upon the said turnpike roads, or for any other purposes connected therewith.

XLIX. That it shall be lawful for the county roads board of any of the said counties respectively, when and so often as they shall think proper, to cause any of the toll gates, toll bars, or toll houses, or other erections or buildings appertaining thereto, already erected or to be hereafter erected in, upon, across, or on the side of any of the said turnpike roads, to be removed to, and erected in, upon, across, or on the side of such other parts of the said turnpike roads or any of them, or otherwise wholly to be removed or taken away, as the said county roads board shall respectively from time to time order and direct.

L. That from and after the repeal of the said local Acts respectively it shall be lawful for the county roads board of any of the said counties respectively, or their respective lessees, collectors, or agents, and they are hereby authorized, to demand, receive, and take, on or at the side of the said several turnpike roads in their respective counties, before the horse or other animal, carriage or other vehicle, in respect of which any toll shall be payable, shall be allowed to pass through any gate or bar erected or to be erected upon, across, or on the side of the said roads, the several tolls specified in the second Schedule hereto annexed, subject to the restrictions, exemptions, in this Act mentioned, and also to the restrictions, exemptions, and provisions in the said general Turnpike Acts mentioned, except so far as the same are varied, altered, or repealed by this Act: Provided always, that the same rate or rates of toll for every horse or other animal not drawing, and for every horse or other animal.

drawing, any carriage or vehicle of the same class or description according to the said second Schedule, shall, subject as hereinafter is mentioned, be respectively taken and received at every gate and bar within the same county.

LI. That from and after the repeal of the said local Acts respectively no higher or different rate of toll shall in any case be taken or demanded upon any turnpike roads within any of the said counties respectively by reason of any regulation or distinction relating to the breadth, size, form, or construction of the wheels of any carriage, cart, or other vehicle used or employed upon such roads, but one and the same uniform rate of toll according to the second Schedule herewith annexed, and subject to the provisions and exemptions of this Act, shall in all cases be taken in respect of each several description of carriage or vehicle in the said second Schedule mentioned, without reference to the dimensions or construction of the wheels thereof, anything contained in the said general Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to repeal, vary, alter, or affect any regulations in the said general Turnpike Acts or any of them contained with respect to any additional tolls or penalties thereby imposed or made chargeable on any carriage, cart, or other vehicle by reason of or in proportion to the weights carried or conveyed in any such carriage, cart, or other vehicle respectively.

LII. That from and after the repeal of the said local Acts respectively when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing, any carriage or vehicle, at any toll gate or bar within any of the said counties, no toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day (to be computed from twelve of the clock of the night to twelve of the clock in the next succeeding night), for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county, within the distance of seven miles from the gate or bar at which such toll shall have been taken, such distance measured along turnpike roads only, nor for passing or repassing through any gate or bar in any other of the said counties adjoining, within the distance of two miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of turnpike roads within either of such counties, nor within one mile, measured as aforesaid, from the boundary of such counties.

LIII. Provided and enacted, That in case any horse or other animal, carriage or other vehicle, shall be subject to a higher rate of toll on repassing through the same gate or bar as aforesaid, or on passing or repassing through any other gate or bar, within the said distances respectively before specified, by reason of a different use made of the same horse or other animal, or of the carriage or other vehicle drawn by the same, or by reason of a toll larger than the toll first paid being payable in any other of the said counties adjoining, then and in every such case the difference only between the toll so first paid and such larger toll shall be paid on such subsequent passing or repassing.

LIV. That from and after the repeal of the said local Acts respectively the tolls authorized to be taken by this Act shall be paid in respect of all horses or other animals drawing any stage coach, stage waggon, or other stage carriage conveying passengers or goods for hire or reward, the same being customarily used and employed to convey passengers or goods for hire or reward, for every time of passing or repassing through any toll gate or bar at which such tolls shall be payable: Provided always, that in every case in which toll shall have been taken at any toll gate or bar in respect of any such stage coach, stage waggon, or other stage carriage, no second or other toll shall be taken in respect thereof, by reason of any change of the horses drawing the same, at any toll gate or bar either in the same or in any adjoining county within the limits of this Act at which such second or other toll would not have been payable if such horses had not been changed.

LV. That the tolls hereby made payable shall be paid for any horse or horses or other animals drawing any post chaise or other carriage travelling for hire as often as a new hiring shall take place, in the same manner as if no previous payment of toll in respect of such horses or other animals had been made on the same day.

LVI. That all exemptions from tolls enacted and contained in the said general Turnpike Acts or any of them shall be and the same are hereby extended to this Act, and made applicable thereto, in the same manner as if the same had been expressly re-enacted herein.

And after reciting that doubts have arisen with respect to the construction of certain portions of the said general Turnpike Acts relating to such exemptions from toll; and that toll has been paid or demanded in certain cases, and with respect to certain matters and things which it is expedient should be exempted therefrom; and it is also expedient that such doubts as aforesaid should be removed:—

It is Enacted,

LVII. That from and after the repeal of the said local Acts respectively no toll shall be taken on any turnpike road within any of the said counties for any horse or other animal carrying, drawing or conveying any agricultural produce which shall have grown or arisen on land or ground in the occupation of, or cultivated, used, or enjoyed by, the owner of any such agricultural produce, and which shall not have been bought, sold, or otherwise profitably exchanged or disposed of, nor be going to be bought, sold, or otherwise profitably exchanged or disposed of, or for any sheep going to be washed or returning therefrom, or for any horse or other animal drawing or not drawing which shall not go or pass more than 300 yards along or upon such turnpike road, whether the whole or any part of such 300 yards shall have been traversed before passing through any gate or bar, or shall be traversed after passing through the same.

LVIII. That none of the said exemptions from toll in the said general Turnpike Acts or in this Act contained shall be in anywise qualified, restrained, or taken away by reason of any regulation or distinction with respect to the size, form, construction, or dimensions of the wheels of any carriage, cart, or other vehicle used or employed upon any turnpike road within the limits of this Act, or by reason of any regulations as to weight contained in the said general Turnpike Acts or any of them.

LIX. That from and after the repeal of the said local Acts respectively it shall not be lawful to demand or take on any turnpike road within any of the said counties respectively, for or in respect of any horse or other animal employed in carrying, drawing, or conveying any lime to be used for the purposes of manure, more than one half of the tolls which would be otherwise

payable in respect of such horse or other beast drawing any such carriage or vehicle according to the said second Schedule to this Act annexed.

LX. That from and after the repeal of the said local Acts respectively no toll shall be taken, and no money arising from tolls on any turnpike roads shall be laid out, on any road or roads, or part of any road or roads, which by or under any local Act of Parliament in force for the time being for the improvement of any city, borough, or town, or any part or parts thereof, is or are repaired or maintained by any Commissioners or trustees for executing such local Act, nor in paving, repairing, or cleansing any street, road, or highway within the limits of any city or market or borough town for which there shall not be any such local Act as aforesaid, and which said limits shall be fixed and determined for the purposes of this Act, with respect to every such city, or market or borough town respectively, by the said Commissioners upon the report and recommendation of the county roads board acting in and for the county to which any such city or market or borough town shall belong; and no street, road, or highway comprised within such limits, or maintained by any such local Commissioners as aforesaid, shall be deemed or held to be a turnpike road to any intent or purpose within the meaning of this Act.

LXI. That the county roads board of each of the said counties respectively shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every toll gate and toll bar within such county, a table, painted in distinct and legible black letters on a board with a white ground, or in white letters on a board with a black ground, containing: at the top thereof the name of the gate or bar at which the same shall be put up, and also a list of all the tolls payable at such gate or bar under the authority of this Act; and such table shall specify the several sorts or descriptions of vehicles in respect of which any different rates of tolls shall be payable, and also a list of all the gates or bars which shall be wholly or partially cleared by the payment of toll at such toll gate or bar; and any lessee of tolls who shall collect or receive any tolls at any gate or bar at which such table of tolls shall not be affixed as aforesaid shall be liable to forfeit and pay a sum not less than 40s. per diem for every day during which he shall continue to collect tolls without such table being affixed: Provided always, that no lessee of tolls shall be liable to any forfeiture or penalty under this Act by reason of such table of tolls not being affixed as aforesaid, in case it shall appear to the Justice or Justices before whom information or complaint in such case shall be made that such table has been, by some other person, without the privity of such lessee, unlawfully removed or destroyed, and that sufficient time has not elapsed for restoring or supplying the same: Provided also, that in case any county roads board shall omit to provide a proper table of tolls according to the requirement of this Act, it shall be lawful for the lessee of tolls at any such toll gate or bar, of his own authority, to cause such table to be made and affixed, and in that case such lessee shall be entitled to deduct the expenses necessarily incurred by him in providing such table of tolls from the monies next payable by him to the said county roads board in respect of the rent of such toll gate or bar, and the said county roads board shall allow such deduction upon receipt of the residue of the said rent, and the said lessee shall be acquitted and discharged of so much money as the said expenses shall amount to, in the same manner as if the same had been actually paid to the said board.

LXII. That it shall be lawful for the county roads board of each of the said counties respectively, at any time, with the consent of the Commissioners to be appointed by virtue of this Act, or, after such commission shall have determined, of one of Her Majesty principal Secretaries of State, to lessen and reduce the said tolls specified in the said second Schedule to this Act annexed, and again at any time, with the like consent, to advance the same, so that the tolls payable in any of the said counties do not at any time exceed the rates specified in the said second Schedule, and so that in every such county the said tolls be always advanced or reduced according to one uniform scale and proportion, as to the several descriptions of horses or beasts, carriages or vehicles, chargeable therewith: Provided nevertheless, that it shall be lawful for the said county roads board of any of the said counties respectively, when and for so long as they shall think proper, to reduce the toll payable for any horse or other animal drawing peat or fern to any sum not less than one half of the sum otherwise chargeable under the said second Schedule, without reducing any other toll at the same time: Provided also, that the entire sum of 3d. shall be taken in lieu of any fractional part thereof which would otherwise become payable in consequence of any advancing or reducing of the said tolls: Provided also, that no alteration in the said tolls, either by advancing or reducing the same, shall be made to take effect until one calendar month at the least after notice of the same shall have been given by advertisement twice published in one or more newspapers circulating in the county to which the same shall relate.

LXIII. That the county roads boards acting in and for each of the said counties respectively shall hold not less than four regular meetings in each year, including the general annual meeting hereinafter referred to, at some convenient place or places within each of the said counties respectively, and may adjourn themselves to meet at any other place or places within such counties respectively, and at such time or times, as the said county roads boards, or the major part of the members thereof present at any meeting respectively, shall appoint; and all acts, orders, proceedings, matters, and things by this Act authorized or directed to be done by the said county roads boards, or by the said general Turnpike Acts authorized or directed to be done by any trustees or Commissioners of turnpike roads, shall and may, except so far as the same are altered, varied, or repealed by this Act, be made, done, and exercised by the major part of the members of the said county roads boards who shall be present at the respective meetings to be held by virtue of this Act, or of the said general Turnpike Act, the whole number present together at any such meeting of any county roads board not being less than five: Provided always, that at any meeting of any county roads board which shall be held for the purpose of letting to farm the tolls of any district or districts of any county, such tolls may be lawfully let, and all acts and proceedings relating to such letting of tolls at such meeting shall be valid and effectual, although not more than three members of such county roads board shall be present at such meeting; and the time and manner of holding and convening and also of giving notice of any special or extraordinary meeting of such board which it may be thought necessary to hold upon any emergency shall be regulated as nearly as may be according to the provisions and regulations of the said general Turnpike Acts with respect to the like meetings of trustees or Commissioners of any turnpike roads.

LXIV. That whenever any tolls shall hereafter be let to farm by virtue of the powers given by this or by any other Act or Acts of Parliament, it shall not be necessary, in the notice to be given according to the provisions of the said general Turn-

pike Acts previously to such letting, to specify the sum which the said tolls shall have produced during any time previous to such letting, nor to state that the said tolls will be put up at the sum which they were let for or produced during any such previous time; and the county roads board acting in and for each county may and they are hereby authorized to let such tolls at every general meeting to be held in pursuance of this Act for the best price they may then be enabled to obtain for the same, without being compelled to put up the said tolls at the sum for which they were at any previous time let, or to have any second or other meeting for letting the same, any law or custom to the contrary notwithstanding.

And after reciting that by 3 Geo. 4. c. 126, it is enacted, "that the trustees or Commissioners of every turnpike road shall and they are hereby required, at their general annual meeting in each year, to examine, audit, and settle the accounts of the respective treasurers, clerks, and surveyors appointed by them, and to require such treasurers, clerks, and surveyors to produce their books, accounts, papers, and vouchers, and to examine into the revenues and debts, distinguishing bond from simple contract debts, of the several roads for which they shall act as treasurer, clerk, or surveyor; and when the account of the said several treasurers, clerks, and surveyors shall be settled and allowed by the trustees or Commissioners present at such meeting, the same shall be signed by the chairman of such meeting; and if any treasurer, clerk, or surveyor shall refuse or neglect to produce his accounts, or any book, paper, or voucher required to be produced by him, such treasurer, clerk, or surveyor shall be dealt with according to the provisions hereinbefore contained with regard to officers refusing to account or deliver up books or papers, or pay over any money in their hands; and when and as soon as the said accounts of the said respective treasurers, clerks, and surveyors shall be audited, allowed, and signed, the clerks to the trustees or Commissioners holding such meeting shall forthwith make out a statement of the debts, revenues, and expenditure received or incurred on account of the trust for which the meeting shall be held, in the form contained in the Schedule to this Act annexed, which said statement shall be submitted to the trustees or Commissioners assembled at such meeting, and when approved by the majority of them shall be signed by the chairman of the said meeting; and the said statement being so approved and signed, the said clerk shall, within thirty days thereafter, transmit the same to the clerk of the peace of the county in which the road, or the major part thereof, to which the said statement relates, shall lie; and if any clerk shall refuse or neglect to make out such statement as aforesaid, or to transmit the same within the time hereinbefore mentioned, every clerk so offending shall for such offence forfeit and pay the sum of 50*l.* to be recovered as hereinafter directed." And that by the same Act it is enacted, "that the clerk of the peace of every county to whom such statements shall be transmitted shall, on receiving such statements, cause the same to be produced to the Justices assembled at the Quarter Sessions to be held next after the receipt thereof, and also to be registered and kept amongst the records of the Quarter Sessions of the county for which such clerk of the peace shall act; and the said statements so to be transmitted to the said respective clerks of the peace shall, when registered, be open to the inspection of all and every person and persons whatsoever, who may take extracts therefrom or copies thereof, paying to the clerk of the peace in whose custody the same shall be the sum of 6*s.* for each inspection, and the sum of 6*d.* for every seventy-two words of such extract or copy taken;"—

It is Enacted,

LXV. That so much of the said Act 3 Geo. 4. c. 126, as is hereinbefore recited shall, so far as relates to the said counties respectively, be and the same is hereby repealed.

And after reciting that by 3 & 4 Will. 4. c. 80, it is enacted, "that the several and respective clerks to the said trustees or Commissioners holding such annual meetings respectively as aforesaid shall, within thirty days from the passing of this Act, transmit to one of His Majesty's Principal Secretaries of State for the time being copies of all such annual statements as already sent by them respectively to the clerks of the peace as aforesaid, and shall also transmit to one of His Majesty's principal Secretaries of State for the time being copies of all such general annual statements for any future year or years so directed to be transmitted to the clerks of the peace as aforesaid, within thirty days after the same shall have been so approved and signed as aforesaid; and if any such clerk to the said trustees or Commissioners shall refuse or neglect to transmit such copies of such annual statements within the time hereinbefore prescribed for that purpose, then and in every such case every such clerk so offending shall for every such offence forfeit any sum not exceeding 10*l.* nor less than 5*l.*, at the discretion of any Justice or Justices of the Peace before whom complaint of such offence shall be made." And that by the same Act it is enacted, "that from and after the expiration of the present year the trustees and Commissioners of every turnpike road shall hold their general annual meeting on or before the 25th of March in every future year, and not at any other time, anything in the said recited Acts or either of them to the contrary notwithstanding;"—

It is Enacted,

LXVI. That so much of the said recited Act 3 & 4 Will. 4. c. 80, as is hereinbefore recited shall, so far as relates to the said counties respectively, be and the same is hereby repealed.

LXVII. That the several county roads boards of and for each of the said counties respectively shall and they are hereby required to hold one general meeting in every year in each of the said counties, for auditing and examining the accounts relating to the several roads under their management, on some day or days to be appointed for the same by each county roads board respectively at their first meeting to be held after the passing of this Act, or at some subsequent regular meeting of the said board, and which said annual general meeting shall always take place in each of the said counties respectively in the months of January or February in each year; and the times of holding such annual general meetings in the said counties respectively shall be so fixed and arranged with reference one to another as to enable the general superintendent of county roads, to be appointed as hereinafter mentioned by virtue of this Act, to be present at such annual general meeting in each of the said several counties successively; and if at any time they shall not be so fixed and arranged respectively as aforesaid, it shall be lawful for the said Commissioners, or, after the said commission has determined, for one of Her Majesty's principal Secretaries of State, by their or his order directed to any county roads board, to alter the time appointed for holding the said annual general meeting in any of the said counties, and to appoint such other time for holding the same as may be found convenient.

LXVIII. That the said last-mentioned meeting shall be called and known as the "Annual General Meeting of the County Roads Board;" and the said boards respectively shall at the said meeting in each year examine, audit, and settle the accounts of the respective treasurers, clerks, surveyors, collectors, and other officers appointed by them respectively, and shall then, or at any other time as may be found necessary, be authorized to require such treasurers, clerks, surveyors, collectors, and other officers to produce their books, accounts, papers, and vouchers, and shall also audit, examine, and settle the accounts of the several district roads boards, to be appointed in manner hereinafter mentioned, in each of the said counties respectively, and of the several officers acting under such district roads boards, and shall also receive and examine the several estimates, reports, and accounts which shall be made and submitted to the said county roads boards by the general superintendent of county roads hereinafter mentioned: Provided always that if any treasurer, clerk, surveyor, collector, or other officer shall refuse or neglect to produce his accounts, or any book, paper, or voucher required by any such county roads board, or by the general superintendent of county roads hereinafter mentioned, to be produced by him, such treasurer, clerk, surveyor, collector, or other officer shall be dealt with according to the provisions contained in the said general Turnpike Acts with respect to officers refusing to account or deliver up books or papers, or pay over money in their hands, to the trustees or Commissioners appointed by or acting under any local Act.

LXIX. That it shall be lawful for one of Her Majesty's principal Secretaries of State, by any writing under his hand, to appoint a fit and proper person (or two fit and proper persons if required,) to superintend the management, maintenance, and repair of all the several turnpike roads within the said counties respectively, and from time to time, at the discretion of the said principal Secretary of State, to remove the said person from such office, and appoint another in his stead.

LXX. That the said person so to be appointed as aforesaid shall be called "The General Superintendent of County Roads for South Wales," and shall from time to time examine, inspect, and overlook the management and repairs of the several turnpike roads within each of the said counties respectively, and the execution of all alterations, improvements, and works relating to the same, and shall have the superintendence and controul of all surveyors and other officers employed by or under the several district boards in each county hereinafter referred to, and shall be entitled to be present at and to take part in the proceedings and business transacted at all meetings of the several county roads boards, and also of the several district roads boards hereinafter referred to, within any of the said counties respectively, and to inspect and examine all the accounts, books, and other documents of or relating to the same, and shall attend the said annual general meetings of the said county roads boards in each of the said counties respectively, and shall examine, audit, and check, and ascertain the legality of, all accounts, bills, charges, and vouchers which shall be presented to or laid before such county roads boards at such annual general meetings, and shall also prepare and submit to them, at such meetings, a general statement of the debts, revenue, and expenditure incurred or received in and for the year preceding on account of the several turnpike roads within each of the said counties respectively; and shall also prepare and submit to the said county roads boards respectively, at such meetings, an estimate of the revenue and expenditure on account of the said roads to be received or incurred in and for the ensuing year, specifying in such statements and estimates the amount and proportion of revenue and expenditure received or incurred or to be received or incurred in respect of the several districts to be constituted by virtue of this Act in each of the said counties respectively, according to the provisions hereinafter contained, and shall sign such statements and estimates respectively; and so soon as the said statements and estimates shall have been submitted to and examined by such county roads boards shall transmit the same or copies thereof to the said Commissioners, or, after the said commission shall have determined, to one of Her Majesty's principal Secretaries of State, to be by them or him laid before both Houses of Parliament, according to the provisions of the said general Turnpike Acts, and shall also cause the same to be published in one or more of the newspapers circulating in the county; and shall also from time to time, and whenever he shall be required by any county roads board so to do, prepare and submit to such county roads board an estimate or estimates of the probable expense to be incurred in respect of any proposed improvement, alteration, or work relating to the roads under the management of such board, and shall make such further reports from time to time to the said county roads board, or to the said Commissioners, or to the said Secretary of State, respecting the management and administration of any roads hereby placed under his charge or controul, as he shall be required by them or any of them to do.

LXXI. That every county roads board shall cause a book to be kept by their clerk, in which such clerk shall enter or cause to be entered true and regular accounts of all sums of money received and expended for the purposes of this Act, and of the several matters for which such sums of money shall have been received or expended; and the said board shall cause notes, minutes, or copies, as the case may require, of all the orders and proceedings of such board at the several meetings thereof to be duly entered in books to be from time to time provided for that purpose, and such books shall be evidence in all proceedings at law or in equity, without further proof of the contents thereof, and shall at all reasonable times be open to the inspection of all members of such boards and of all district boards within the same county, and of every person paying any rate by this Act authorized to be made, without any fee being demanded for such inspection; and all such members and persons respectively shall be entitled, at reasonable times, to take copies or extracts from the said books, without paying any fee for the same; and if, on request made for that purpose, the clerk of any county roads board shall refuse to permit any of such members or persons respectively to inspect any such books, or to take copies or extracts therefrom as aforesaid, such clerk shall for every such refusal forfeit and pay a sum not exceeding 5*l*.

LXXII. That the first meeting of each and every county roads board to be held in and for the said counties respectively shall take place on such day or days, and at such place within each of the said counties respectively, as the said Commissioners by their order shall direct.

LXXIII. That the county roads board of each county respectively at such first meeting assembled shall, in the first place, elect and appoint two fit and proper persons, being members of such board, to be the chairman and vice chairman respectively of such board; and the said chairman, or in his absence the said vice chairman, shall preside at all meetings to be thereafter held of such board, and shall have a casting vote in addition to his own vote; and in case at any meeting the said chairman and vice chairman shall both be absent, then some other member of such board, to be chosen by the major part of the members

present at the time being, shall preside as chairman for such meeting; and whenever any chairman or vice chairman shall die or resign, or shall refuse to act, the said county roads board shall, at their general meeting to be held next after such death, resignation, or refusal, elect and appoint some other fit and proper person, being a member of the said board, in his stead.

LXXIV. That every county roads board shall at such first meeting respectively elect and appoint a fit and proper person to be the clerk of such board, and shall also appoint a treasurer to the said board; and the said board shall at their said first meeting, or afterwards, from time to time appoint such number of surveyors as in their judgment shall be required to overlook the management and repairs of the several turnpike roads in their county, and shall also determine the salaries to be paid to such clerk and surveyors respectively out of the county toll fund hereinafter mentioned; and the said board may from time to time at their discretion remove the said clerk or treasurer or surveyors, and so often as the said offices or either of them shall become vacant shall elect other fit and proper persons for the same.

LXXV. That every county roads boards respectively shall at such first meeting determine and appoint the times and places for holding their general meetings to be held in pursuance of this Act, and shall also from time to time determine and agree upon such rules and regulations for the guidance of their own proceedings at such meetings, and otherwise, as they shall deem expedient.

LXXVI. That the said county roads boards respectively shall at their said first meeting, with the aid and advice of the said general superintendent of county roads, make a full examination and inquiry into the limits, extent, condition, and circumstances of all the several turnpike roads within or partly within their respective counties which shall, at the time of the passing of this Act, be regulated by or comprised in any local Act for making or regulating turnpike roads therein; and shall also examine and consider, with the aid and advice aforesaid, what portions (if any) of such turnpike roads it may be expedient thereafter to maintain and continue as main turnpike roads; and what portions (if any) of such roads it may be expedient wholly to reject and discontinue as turnpike roads, so that the same may thereafter be subject to the laws now in force concerning highways; and also what division or arrangement of the several roads which they shall deem proper to be maintained as turnpike roads within their respective counties it may be expedient to make for the purpose of district management, as hereinafter provided; and the said county roads boards respectively shall, as soon as may be, in pursuance of the said inquiry, make or cause to be made a full and particular report in writing to the Commissioners for carrying this Act into execution respecting the several matters hereinbefore directed to be examined and considered by them, together with such other recommendations and suggestions as may be necessary for any other purposes of this Act, or as they may deem essential to the due execution thereof.

LXXVII. That the said Commissioners shall, upon due consideration of such reports and recommendations respectively, make such determination respecting the premises as to them shall seem meet, and shall, by their orders to be made under their hands and seal, direct, with respect to each of the said counties respectively, what portions of the said roads regulated by or comprised in any local Act as aforesaid shall thereafter continue to be maintained as turnpike roads, and also what portions thereof (if any) shall be wholly rejected and discontinued as turnpike roads; and the said Commissioners shall also, by their said order, direct such and so many districts as in their judgment shall be necessary to be formed and constituted in each of the said counties respectively in which they shall deem the formation of such districts to be expedient for the separate management and repair of the several turnpike roads within the said districts, according to the regulations hereinafter contained: Provided always, that in case in any of the said counties the said Commissioners shall not deem it expedient to constitute any such division of districts as aforesaid, then the management and repair of all the turnpike roads within such county, and all powers and things necessary thereto, shall belong, and shall be carried on, done, and executed by or under the direction of the county roads board of such county.

LXXVIII. That the said Commissioners, in pursuance of their said orders as aforesaid, shall cause a map or plan to be made for each of the said counties, wherein shall be distinctly set out and delineated the several roads thereafter to be maintained in and for such county as turnpike roads, as well as the several districts into which such county shall be divided, and to which the said turnpike roads shall thenceforth respectively be annexed and belong; and the said map or plan, or a copy thereof, stamped with the seal of the said Commissioners, shall be deposited with the clerk of every county roads board respectively, and shall be received as evidence, and shall be referred to, in all suits, controversies, and disputes touching the limits, boundaries, situation, or classification of any such roads or districts respectively: Provided always, that the said map or plan may be altered or amended by authority of the said Commissioners, or, after such commission has determined, of one of Her Majesty's principal Secretaries of State, if it should become necessary so to do, through the operation of any of the provisions hereinafter contained.

LXXIX. That all such roads or portions of roads within any of the said counties respectively as the said Commissioners, by their order as aforesaid, shall direct to be discontinued as turnpike roads shall thenceforth cease to be repaired or maintained as such, and no tolls shall be collected thereon, and all toll gates or toll bars now standing thereon shall be removed, and the said roads shall thenceforth be repaired and maintained according to the laws for the time being in force relating to highways, or by the parties otherwise liable by law to repair the same.

LXXX. That it shall be lawful for the said county roads boards respectively, at any of their regular meetings to be held under the authority of this Act, with the aid and advice of the said general superintendent of county roads, to make or cause to be made any special report to the said Commissioners, or, after the said commission shall have determined, to the said Secretary of State, and by such report to recommend that any roads or portions of roads theretofore maintained as turnpike roads should cease to be so maintained, or that any deviation or diversion of or from the course of any such roads should be made, or that any other alteration, improvement, or work should be executed, other than for the ordinary maintenance and repair of such roads, and whereof the probable expense, according to the estimate of the said general superintendent, would exceed 100*l.*; and thereupon it shall be lawful for the said Commissioners, or, after the

said commission shall have determined, for the said Secretary of State, by their or his authority, to order that such recommendations respectively or any of them be carried into effect, and that such additions, diversions, deviations, alterations, improvements, or other works be made and executed as the said Commissioners or the said Secretary of State respectively may approve; and the said county roads boards respectively shall then have full power to make and execute the same out of the monies or on the credit of the county toll fund hereinafter mentioned, subject to the restrictions and limitations hereinafter contained: Provided always, that no such special report as aforesaid relating to any such addition, diversion, deviation, alteration, improvement, or other work shall be made, adopted, or agreed to at any meeting of any county roads board unless notice of the proposed undertaking or work to which such report shall have reference, and of the estimated cost thereof, shall have been previously given by advertisement twice published in some or one of or more of the newspapers circulating in the county to which the same shall relate twenty-one days at least before such meeting of the said county roads board.

LXXXI. That no money shall be hereafter raised or borrowed for any purpose whatsoever by or on account of any county roads board, or by or on account of any person or body of persons acting in the execution of this Act, upon the credit of the tolls to be raised and collected in any of the said counties, or upon the credit of any county road fund or county road rate hereinafter referred to, save and except upon such terms and conditions as to the repayment thereof as will necessarily provide for the extinction of the debt thereby created, both in respect of the principal monies borrowed and of interest for the same, before the expiration of twenty-one years from the time of borrowing such monies, nor without the consent of the said Commissioners, or, after the said commission shall have determined, of the said Secretary of State.

LXXXII. That the maintenance and repairs of the several turnpike roads situate and being within the several districts which shall be marked out and defined in each of the said counties respectively by the said Commissioners, according to the provisions hereinbefore contained, shall, subject to the superintendence and authority of the said county roads boards and of the said Commissioners as aforesaid, be placed under the care and management of local boards, to be styled "District Roads Boards," and which shall be constituted in manner following: (that is to say,) the said Commissioners shall so soon as any district shall have been marked out and defined as aforesaid, by order under their hands and seal, nominate and appoint a certain number, not exceeding ten in any one district, of fit and proper persons, not being Justices of the Peace, qualified as hereinafter next mentioned, to be members of such district roads board; and every person who shall reside within such district, and who in his own right or in right of his wife shall be the owner or occupier, or shall be in the actual possession of the rents or profits, of any lands, tenements, or hereditaments, whether freehold or copyhold, within the county wherein such district is situated, which shall be rated or rateable to the relief of the poor in the parishes or places in which the same shall lie at not less than 80*l.* per annum, shall be duly qualified to be and be capable of being appointed a member of such board; and whenever any of the said persons who shall have been so nominated and appointed by the said Commissioners as aforesaid shall die or resign, or shall absent himself for twelve months from the meetings of the said board, or shall cease to be qualified in respect of residence and estate or interest as aforesaid, then the other members of such board shall elect other fit and proper persons, qualified as hereinbefore described, to be members of such board in their stead; and whenever any of such last-mentioned persons shall die or resign, or be absent as aforesaid, or shall cease to be qualified as aforesaid, the vacancy or vacancies thereby occasioned shall be from time to time supplied by election in like manner; and all Her Majesty's Justices of the Peace residing within or acting at any petty sessions within any such district shall be *ex officio* members of such district roads board.

LXXXIII. That in case in any of the said counties the said Commissioners shall not deem it expedient to constitute any such division of districts for the purpose of district management as aforesaid, then the said Commissioners shall, by their order as aforesaid, nominate and appoint certain persons, not less than six nor more than twelve in number, to be additional members of the county roads board of such county, who shall be chosen in manner following; that is to say, an equal number of such persons shall be chosen in respect of each hundred of such county, and shall be persons resident within such hundred respectively, and qualified in respect of property in such county in like manner as is hereinbefore provided with respect to the qualification of members of district boards; and whenever any of the persons who shall have been so nominated by the said Commissioners as aforesaid shall die or resign, or shall cease to be qualified in respect of residence and estate or interest as aforesaid, then the said county roads board shall elect other fit and proper persons, resident and qualified as hereinbefore described, in their stead, and all other vacancies which shall thereafter occur shall be from time to time supplied by election in like manner; provided that among the persons so from time to time constituted as additional members of such county roads boards there shall always be two persons at least, resident and qualified as aforesaid, for and in respect of each hundred of such county.

LXXXIV. That the persons who shall hereafter be appointed as members of district boards, or as additional members of county roads boards in counties having no district boards, shall after certain periods cease to be members of the same respectively by rotation, and the vacancies thereby occasioned shall in either case be supplied from time to time in manner following; that is to say, of the persons who shall have been originally nominated by the said Commissioners as members thereof respectively three persons (who shall be selected by ballot) shall at the expiration of three years from the time of such nomination cease to be such members, and at the expiration of four years from the said time a like number of such persons (to be also selected by ballot) shall cease in like manner, and at the expiration of five years from the said time the residue of the said persons who shall have been so originally nominated as aforesaid shall cease to be members of such board respectively in like manner; and in every such case, and at each of such periods as aforesaid, for the purpose of supplying the vacancies which shall then arise, the other members of such boards respectively shall elect an equal number of fit and proper persons, qualified as hereinbefore described, to be members of such boards in their stead; provided that at the expiration of every year successively after the said fifth year those persons who shall have been elected as aforesaid, and shall have served for the period of three years from such election as members of district boards, or as additional members of county roads boards, shall respectively cease to be such members, and the vacancies thereby occasioned shall be from time to time supplied by election in like manner; and all persons who shall have been elected at any time after the passing of this Act to supply any casual

vacancies in such boards, occasioned by death, resignation, or otherwise as aforesaid, shall at the expiration of three years from their said election cease to be members thereof, and the vacancies thereby occasioned shall be from time to time supplied by election in like manner.

LXXXV. That no person shall be qualified to act as a member of any district roads board unless and until he shall in the presence of one of Her Majesty's Justices of the Peace acting in and for the county to which such district board shall belong, or of any two persons who shall have duly qualified themselves to act as members of such district roads board, make and subscribe the declaration following; (that is to say,)

'I A. B. do solemnly and sincerely affirm, That I will truly and impartially, according to the best of my Judgment and Ability, execute and perform the several Powers, Authorities, and Trusts reposed in me by virtue of an Act passed in the Session held in the Seventh and Eight Years of Her Majesty Queen Victoria, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales.*'

And if any person shall act as a member of any district board before he shall have made and subscribed the said declaration, every such person shall for every such offence forfeit and pay the sum of 50*l.*, with full costs of suit, to any person or persons who shall inform or sue for the same in any of Her Majesty's courts of record at Westminster.

LXXXVI. That the said county roads board acting in and for each of the said counties respectively shall, at their meeting to be held next after the division of such county into districts shall have been determined and declared by the said Commissioners as aforesaid, elect and appoint such number of fit and proper persons as they shall deem necessary, not exceeding the number of the districts into which such county shall have been divided, to be the clerks to the several district roads boards acting in and for such districts respectively, and shall from time to time fix and appoint the salaries to be paid out of the said county toll fund to such clerks respectively; and such county roads board may at any subsequent meeting appoint such new and additional clerks, not exceeding in the whole such number as aforesaid, as they may from time to time deem necessary, and may fix the salaries to be paid to them respectively, and also at any such meeting, at their discretion, make orders for the removal of any such clerk, and whenever any such clerk shall be removed, or shall die or resign, or refuse to act, may at any subsequent meeting appoint some other fit and proper person in his stead.

LXXXVII. That the district roads board for each district respectively shall have power to direct and superintend all matters and things relating to the maintaining, repairing, and draining of the several turnpike roads within such district, and also the maintaining and repairing the turnpike gates, toll bars, and toll houses belonging to the same, and also the execution of any work or improvement which shall respectively have been placed under the direction and superintendence of such district roads board by the county roads board acting in and for the same county, and to direct and superintend the expenditure of all monies, and the use and application of all materials and things, which shall be appropriated to such district by the order of the said county roads board; and the acts, orders, regulations, and proceedings of such district roads boards, as to all the matters and things aforesaid, shall be binding and effectual; and such district roads boards shall cause accounts to be kept of the expenditure and application of such monies and materials as aforesaid, and of all debts incurred by them, and of the balance of money and materials remaining at their disposal, and the clerk of any district roads board shall, as often as he shall be required so to do, deliver or transmit such accounts to the said general superintendent of county roads, to be by him submitted to the county roads board of such county.

LXXXVIII. That it shall be lawful for the county roads board of each county, by their order, to assign and place to the credit or at the disposal of the several district roads boards in each county respectively such sum or sums of money out of the county toll fund hereinafter mentioned, and such quantity of materials or other necessary things purchased out of the said county toll fund, as the said general superintendent, by his estimate, to be laid before the said county roads board at their annual general meeting as hereinbefore provided, shall certify to be necessary and sufficient for the ordinary maintenance and repairs of the several turnpike roads within such districts respectively; and it shall also be lawful for the said county roads board, by their order as aforesaid, to place under the controul and superintendence of the said district roads boards respectively, subject to the restrictions and limitations hereinbefore made and provided, any works or improvements to be done or executed in or upon any of the roads within such districts respectively; and for the purpose of enabling them to carry on and execute such works and improvements to place to their credit or at their disposal such monies, materials, and other things as aforesaid as the said general superintendent, by his estimate, shall certify to be necessary and sufficient for the performance thereof.

LXXXIX. That the several district roads boards to be appointed and constituted in manner aforesaid shall meet first at such time and place as the said Commissioners shall, by their order, appoint for them respectively, and shall from time to time hold other meetings not less in number than six in each year, for executing the several powers and duties hereby vested in them, at such times, and at such convenient place or places within their respective districts, as the said Commissioners, upon the report and recommendation of the county roads board acting in and for the county to which any such district roads board shall belong, shall order and appoint; and all acts, matters, and things executed or done by any district roads board, in pursuance of this Act, at any such meeting, the whole number present at the time being not being less than three, shall be valid and effectual; and for the purpose of adjourning and voting at all such meetings, and generally for the regulation of their proceedings at all such meetings, as to all such things as may be done by such district roads boards, the several provisions of the said general Turnpike Acts, except so far as the same may be altered, varied, or repealed by the provisions of this Act, shall be applicable to the meetings of the said last-mentioned boards.

XC. That every district roads board, at their said first meeting, shall in the first place elect and appoint two fit and proper persons, being members of such board, to be the chairman and vice-chairman respectively of such board for three years; and the said chairman, or in his absence the said vice-chairman, shall preside at all meetings of such board, and shall have a casting vote in addition to his own vote; and in case at any meeting such chairman and vice-chairman shall both be absent then such other member as shall be chosen by the major part of the members present for the time being shall preside as chairman of such meeting; and whenever any chairman or vice-chairman shall die or resign, or shall refuse to act, such

board shall, at their regular meeting to be held next after such death, resignation, or refusal, elect and appoint some other member or members of such board in his stead.

XCI. That every district roads board shall at their said first meeting after the passing of this Act, and afterwards in every year at the regular meeting of such board which shall take place next before the 31st of December in each year, elect and appoint two fit and proper persons, being members of such board, to serve for the year then next ensuing as members of the county roads board acting in and for the same county to which such district roads boards shall belong, and the said persons so elected shall thereupon become and be duly qualified as lawful members of such county roads board, and shall have all the same rights, powers, and authorities as any other members of the same; and in case the persons so elected, or either of them, shall die, resign, or refuse to act, then it shall be lawful for the said district roads board, at their next regular meeting after such death, resignation, or refusal, to elect and appoint one or more fit and proper persons in their or his stead: Provided always, that nothing herein contained shall prevent the said district roads boards from re-electing the same persons, or either of them, for the year next ensuing, nor from electing as a member of such county roads board any person who may have previously been chosen to serve as such member by any other district roads board.

XCII. That no person shall be capable of acting as a member of any county roads board, or of any district roads board, in any case in which he shall be personally interested within the meaning and according to the provisions and subject to the penalties declared and enacted in the said general Turnpike Acts, and the provisions in the said Acts contained, by which it is declared unlawful for the trustees or Commissioners of any turnpike roads under any local Act to hold any place of profit under such Act, or to be concerned or engaged in any contract for making or repairing, or in any way relating to, the road or roads for which they shall respectively act, shall, together with all exceptions, restrictions, penalties, and clauses thereto relating, be applicable, except so far as the same may be varied, altered, or repealed by this Act, to all members of county roads boards and district roads boards respectively appointed under or acting in execution of this Act.

XCIII. Provided and enacted, That no person shall be incapable of acting as a Justice of the Peace in any matter relating to the execution of this Act by reason of his being a member of any county roads board, or of any district roads board.

XCV. That from and after the repeal of the said local Acts respectively the tolls to be collected on the several turnpike roads in each and every of the said counties by virtue of this Act shall be respectively accounted for, and paid to the treasurer of the county roads board, and shall form in each county one common fund to be called the "County Roads Funds," and the said county roads fund shall be administered and applied, subject to the provisions and restrictions hereinbefore contained by the said county roads board, and shall be applicable in the first place to the payment of such annuity as shall be charged upon such county roads fund, and such rates as aforesaid, according to the provisions hereinbefore contained; and the treasurer of every county roads board respectively is hereby directed and required, from and out of the first monies which shall come to his hands, to pay such annuity so charged as aforesaid when and as the same shall become due according to this Act; and, subject to such payment, the said county roads fund shall be applicable to the repair, maintenance, management, and improvement of the several turnpike roads within such county, and to the salaries of the officers of the several county and district boards respectively, and to such other just and necessary expenses as may be incurred in and about the management of the said turnpike roads, and in execution of the powers and provisions of this Act.

XCVI. That in case it shall appear to any county roads board acting in and for any of the said counties respectively, at the annual general meeting of such board to be held under this Act, upon comparing the estimated receipts and expenditure of and for such county in respect of turnpike roads for the year next ensuing, which shall be made out and submitted to such board by the said general superintendent as aforesaid, that the said county roads fund will in the year next ensuing be insufficient for the several purposes to which the same is by this Act made applicable, such county roads board shall thereupon proceed to determine what amount of money will be necessary and sufficient, in addition to such county roads fund, to meet and supply the several purposes aforesaid; and the said county roads board shall then certify the sum of money necessary as aforesaid by a certificate in writing, to be signed by the chairman of the said board at their said meeting, and which shall be forthwith transmitted by the clerk of such board to the clerk of the peace or deputy clerk of the peace for such county; and the said clerk of the peace, or his deputy, shall produce the said certificate to the Justices of the Peace for such county at their general Quarter Sessions assembled which shall be held next after he shall have received the same: Provided always, that the sum so certified by any county roads board to be required in aid of such county roads fund shall in no case exceed the yearly sum which shall be payable by way of annuity as aforesaid to the said Public Works Loan Commissioners by the county in which such sum shall be required.

XCVI. That the Justices of such county in such general Quarter Sessions assembled shall, for the purpose of raising the monies specified in such certificate, make a fair and equal rate, to be called "The County Road Rate," and for that purpose shall assess and tax the whole of such county according to a certain pound rate of and upon the full and fair annual value of all messuages, lands, tenements, and hereditaments within the said county, to be computed according to the valuation for the time being acted upon in assessing the county rate of such county, which said county road rate shall be levied, collected, and paid in the same manner, and by the same persons, and under the same powers, provisions, and authorities, as any county rate now by law authorized to be collected from the persons liable to contribute to the same: Provided always, that whenever the said county road rate shall be collected together with and as part of the ordinary county rate, the warrants issued by the said Justices to the high constables, and by the high constables to the overseers and others required by law to collect the county rates, shall state how much is levied for the ordinary county rate, and how much for the said county roads rate, and the said rates shall be levied accordingly.

XCVII. That for the purpose of obtaining the sum which ought to be contributed towards the said county roads rate by any liberty or franchise not contributing to the county rate of any such county, it shall be lawful for the said Justices so assembled as aforesaid to make a rate, in just and equal proportion to the pound rate to be levied upon property liable to the county rate as aforesaid, upon all property within any liberty or franchise which shall be liable to any liberty rate, or rate in the

nature of a county rate therein, according to the valuation of such property acted upon, and for the time being, in assessing the said liberty rate, or rate in the nature of a county rate, in such liberty or franchise; and the said Justices shall thereupon issue their warrant under the hands of two or more of them, by which warrant they shall require the treasurer, or other person having the receipt of any liberty rate, or rate in the nature of a county rate, within such liberty or franchise, to pay to the treasurer of such county, out of the monies collected by way of liberty rate, or rate in the nature of a county rate, the amount mentioned in such warrant; and every such warrant shall specify the rate in the pound at which the sum therein mentioned shall be computed.

xcviii. That the Justices of such liberty or franchise shall order a rate to be made, at the rate mentioned in the said warrant, upon the property so liable as aforesaid within such liberty or franchise, which shall be levied and collected therein as part of the liberty rate, or rate in the nature of a county rate, to which such liberty or franchise is liable, in like manner as the said county road rate is hereinbefore directed to be levied and collected in such parts of any county as are liable to any county rate, and shall be paid over by the treasurer, or other person having the receipt of any liberty rate, or rate in the nature of a county rate, within such liberty or franchise, within forty days from the receipt of such warrant, to the treasurer of the county from the Justices of which such warrant shall have issued.

xcix. That if payment shall not be made within the said forty days, according to the exigency of the said warrant, or if there shall be no person to whom such warrant can be directed, or no liberty rate, or rate in the nature of a county rate, to which the inhabitants of such liberty or franchise contribute, or if for any other reason it shall seem more convenient to the said last-mentioned Justices, it shall be lawful for them to levy upon any liberty or franchise the full amount of the rate to which they shall have determined such liberty or franchise to be liable as aforesaid; and for the purpose of levying and collecting such rate, the said Justices shall have, for the purposes of this Act, within every such liberty or franchise respectively, the same powers which they have for levying and collecting county rates within the limits of their own commission, and such rate may be levied and collected by the like methods and subject to the same right of appeal as are applicable to any county rate collected within the parts of any county liable to the same; and the high constable of every hundred or other division in which such liberty or franchise shall be wholly or in part locally situated, on the receipt of a warrant to that effect, under the hands of two or more of the said Justices, shall collect the said rate; and the overseers of the poor, or in default of overseers, or in case there shall be no separate rate for the relief of the poor in any portion of such liberty or franchise, then such person or persons as the said Justices in Quarter Sessions assembled shall appoint for that purpose, in every parish or place to which such liberty or franchise or any part thereof shall belong, upon receipt of a warrant to that effect from the said high constable, shall pay the amount assessed upon their parish or place respectively, or upon that part of it which is liable thereto, in like manner, and subject to the like penalties in case of default, as if such liberty or franchise were, for the purpose of a county rate, and for all other intents and purposes, a part of such county.

c. That the treasurer of any of the said counties, or any person having an order for that purpose under the hand of such treasurer, may inspect any liberty rate, or rate in the nature of a county rate, made or to be made for any liberty or franchise locally situate within such county, and may also inspect any returns relating to any of the parishes or places the inhabitants of which shall be liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to county rates, and may take copies or extracts of or from any such rates or returns without payment of any fee or reward; and if any person having the custody of any such rate or return shall wilfully neglect or refuse to permit any such treasurer or other person authorized as aforesaid to inspect the same, or to take copies of or extracts from the same, for two days after such order shall have been produced and shewn to him, or a copy thereof left at his usual place of abode, he shall, on conviction thereof before any two Justices of the Peace, forfeit and pay for every such offence such sum, not exceeding 10*l.*, as they shall think meet.

And after reciting that it is expedient that the charge to be created in respect of such county road rate should be imposed upon the owners and proprietors of land within the said counties respectively:—

It is Enacted,

ci. That any person who shall occupy any lands or tenements in any of the said counties, or in any liberty or franchise locally situated therein, having any interest not amounting to a freehold interest in the same, and not being tenant thereof for any term exceeding thirty years certain from the commencement of such term, who shall be called upon to pay any monies in respect of such rate, shall be entitled to demand a receipt in writing for the same, and upon producing such receipt shall be entitled to deduct from the rent next payable to the landlord or person under whom he holds or occupies such lands or tenements so much as he shall have paid on account of such rate during the same period in respect of which such rent shall be due and payable, and such landlord or other person shall allow such deduction upon receipt of the residue of the said rent; and such occupier, lessee, or tenant shall be acquitted and discharged of so much money as he shall have paid in respect of such rate in the same manner as if the same had been actually paid to such landlord or other person.

cii. That the treasurer of any county in which such rate shall have been levied as aforesaid shall, so soon as the same shall have been collected, pay over all monies received in respect of the same to the treasurer of the county roads board acting in and for such county, and such monies when so paid over shall form a part of the county roads fund for such county, and shall be applicable as such to the several purposes to which the said county roads fund is hereinbefore directed to be applied.

ciii. That it shall be lawful for any county roads board, at any regular meeting held under this Act, if in their judgment, with reference to the state of the county roads fund, and the state and condition of the roads in their county, or otherwise, it shall be necessary or expedient so to do, to determine what proportion, if any, of the carriage or haulage of materials required to be carried or drawn for the purpose of making or repairing any turnpike roads in such county shall be done and performed by or at the cost of the inhabitants of any parish, township, or place in which any part of such roads shall be locally situate, and in pursuance of such determination to make such order in writing as to them shall seem meet, which said order shall be

signed by the chairman of such meeting, and shall be addressed and delivered to any surveyor of highways of the parish, township, or place to which such order shall relate: Provided always, that no such order shall be valid which shall require or direct the performance of any other kind of work, labour, or duty, except as is hereinbefore mentioned, or which shall require or direct the payment of any money, or the supply of any materials by or at the cost or charge of the inhabitants of any such parish, township, or place.

civ. That the surveyor of turnpike roads of the district wherein shall be comprised the road or roads with respect to which such carriage or haulage shall be required as aforesaid shall fix a certain fair and reasonable rate or scale of prices to be allowed for the carriage or conveyance of materials according to the weight or measurement thereof, and according to the distance to be traversed in carrying or conveying the same, and shall contract and agree with any inhabitant or inhabitants of the said parish or place having the requisite means or ability for performing the same for the carrying and conveying of such materials as may be required, in pursuance of the said order of the said county roads board; and when such carriage or conveyance shall have been done and performed then the said surveyor shall pay to such inhabitant or inhabitants the price or rate fixed as aforesaid in respect of the same; and all monies so paid by such last-mentioned surveyor shall be repaid to him by the surveyor of highways to whom any such order as aforesaid shall have been addressed, out of the monies collected or to be collected by him as and for the highway rate of the parish, township, or place to which such order shall relate, and the said surveyor of turnpike roads shall give to the said surveyor of highways receipts in writing for all monies so paid.

cv. That in case the said surveyor of turnpike roads shall be unable to agree with any inhabitant thereof for the performance of such carriage and conveyance of materials as aforesaid, or in case any dispute shall arise between such surveyor and any inhabitant of such parish, district, or place respecting the liability of such inhabitant to perform such carriage and conveyance as aforesaid, or respecting the price or sum by the said surveyor to be allowed for such carriage or conveyance, or otherwise, then and in every such case it shall be lawful for any two or more Justices of the Peace acting in and for the county in which such parish, district, or place shall be, upon application made to them by such surveyor, or by such inhabitant, to hear and determine the said several matters in dispute, and the said Justices may either order that such inhabitant shall perform some certain portion of such carriage or conveyance, or that the rate or scale to be allowed for such carriage or conveyance shall be altered or amended, or shall make such other order respecting the premises as justice shall require, and such order shall be final and conclusive as to all matters therein specified; and any such inhabitant who shall have been commanded by such order to perform any carriage or conveyance of materials, and who shall neglect or refuse to obey such order for seven days after he shall have received notice of the same, shall for every such offence forfeit and pay a sum not exceeding 40s.

And after reciting that a certain public bridge, called the Llandilo Rhynws Bridge has been erected over the River Towy in the county of Caermarthen, and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act as aforesaid: And that a certain other bridge over the same river called the Towy Suspension Bridge, and in the same county, has been erected and maintained under the provisions of a certain other local Act to be in like manner repealed:—

It is Enacted,

cv. That all debts due to any mortgagees or creditors in respect of the said bridges or either of them, or secured upon the tolls thereof respectively, shall be dealt with, estimated, and redeemed by the said Commissioners in manner hereinbefore directed with respect to the debts of all turnpike trusts in the said county, but that from and after the repeal of the said last-mentioned local Acts respectively the same shall become to all intents and purposes county bridges, and shall be repaired and maintained by and at the charge of the said county of Caermarthen, in like manner as any county bridges ought now by law to be maintained and repaired.

And after reciting that a certain public bridge called "The Wych Tree Bridge" in the said county of Glamorgan has been erected and maintained under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act:—

It is Enacted,

cvii. That all debts due to any mortgagees or creditors in respect of the said bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed by the said Commissioners in manner aforesaid, but that from and after the repeal of the said last-mentioned local Act the said last-mentioned bridge shall become to all intents and purposes a county bridge, and shall be repaired and maintained by and at the charge of the said county of Glamorgan, in like manner as any county bridges ought now by law to be repaired and maintained.

And after reciting that the trustees acting in execution of the local Act regulating the said Wych Tree Bridge and avenues leading thereto have heretofore agreed with the trustees of the Swansea district of roads in the said county of Glamorgan for the consolidation of the said Wych Tree trust with the said Swansea district, and the arrangements necessary to such consolidation have been partly carried into effect, and such arrangements have been *bona fide* made by the said trustees, and would if this Act had not been passed have been beneficial to the said county:—

It is Enacted,

cviii. That the said Wych Tree trust, and the accounts, debts, and liabilities thereof, shall be treated, considered, and dealt with by the said Commissioners in their said inquiry, and in estimating the said debts, in like manner to all intents and purposes as if the said Wych Tree trust had been heretofore by law consolidated with the Swansea district.

And after reciting that a certain public bridge called the Loughor Bridge has been erected over a certain river or estuary called the Loughor River, which divides the said county of Caermarthen from the said county of Glamorgan, and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act: and that the said last-mentioned bridge is useful and beneficial to both of the said last-mentioned counties respectively:—

It is Enacted,

CIX. That all debts due to any mortgagees or creditors in respect of the said last-mentioned bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed as aforesaid by the said Commissioners; and when the total amount or value of the said debts shall have been by them fixed and determined a sum equal to one-fourth part thereof shall be charged by the said Commissioners, according to the provisions of this Act, upon the said county of Glamorgan, and the residue thereof shall be charged in like manner upon the said county of Carmarthen; and after the said local Act regulating the said last-mentioned bridge shall have been repealed as aforesaid the said bridge, so soon as it shall have been certified under the hand of the general superintendent of county roads to be appointed under this Act to be in good and sufficient repair, which repair, if required, shall be done at the cost and charge of the said county of Carmarthen, shall become a county bridge, and shall be repaired and maintained in equal share and proportion, and at the joint charge and expense of the counties of Carmarthen and Glamorgan, in like manner as any county bridges ought now by law to be repaired and maintained, and each of the said counties shall be and continue severally liable in respect of one moiety of the said bridge and of the repairs thereof.

And after reciting that a certain public bridge called the Rumney Bridge has been erected over the River Rumney, which divides the said county of Glamorgan from the county of Monmouth, and the same has been maintained and repaired under the provisions of a certain local Act of Parliament to be repealed in pursuance of this Act: And that the said last-mentioned bridge has been and is useful and beneficial to both of the said last-mentioned counties respectively: —

It is Enacted,

CX. That all debts due to any mortgagees or creditors in respect of the said last-mentioned bridge, or secured upon the tolls thereof, shall be dealt with, estimated, and redeemed by the said Commissioners as aforesaid in like manner as the debts of any turnpike trust in the said county of Glamorgan: Provided nevertheless, that the sum of 1,000*l.* shall be paid and contributed for and towards the redemption and payment of the said debts by the trustees appointed under and acting in execution of a certain Act of Parliament, 2 & 3 Will. 4. c. xiv., intituled, 'An Act for diverting, altering, repairing, maintaining, and improving the several Turnpike Roads within the District of Newport in the county of Monmouth,' which said sum of 1,000*l.* shall, after the repeal of the local Act regulating the said bridge, be due and payable by and from the said last-mentioned trustees unto or to the account of the county roads board acting in and for the said county of Glamorgan; and the said trustees are hereby authorized and empowered to charge the tolls of the said Newport turnpike trust with the payment to the said last-mentioned county roads board of such an annuity as shall be equal to 5*l.* 6*s.* for every 100*l.* of the said principal sum of 1,000*l.* together with interest thereon, and so in proportion for every fractional part of 100*l.*, such annuity to be payable for the term of thirty years, commencing from a certain day to be named by the said Commissioners for carrying this Act into effect, after the repeal of the local Act regulating the said bridge, and to be paid half-yearly and without deduction on certain days to be fixed by the said Commissioners, the first payment whereof shall be made on such of the said half-yearly days of payment as shall next happen after such annuity shall have commenced and become payable as aforesaid; and after the said local Act regulating the said last-mentioned bridge shall have been repealed as aforesaid the said bridge shall (so soon as it shall have been certified under the hand of the general superintendent of county roads to be appointed under this Act to be in good and sufficient repair, such repairs to be done at the cost and charge of the said county of Glamorgan,) become a county bridge, and shall be thenceforth repaired and maintained in equal share and proportion, and at the joint charge and expense of the said counties of Glamorgan and Monmouth, in like manner as any county bridges ought now by law to be repaired and maintained, and each of the said counties shall be and continue severally liable in respect of one moiety of the said bridge, and of the repairs thereof; and no part of the said repairs or of the expense thereof shall be thereafter required to be done or contributed by any person or persons, or by the inhabitants of any parish or place, heretofore liable or accustomed to repair the same.

CXI. That nothing in this Act contained shall extend or apply to a certain bridge erected over and across the River Wye called the Hay Bridge, and which is situated on or between the confines of the said county of Radnor and of the said county of Brecknock, nor to a certain other bridge lately erected over and across the River Dungleddau at or in the town and county of Haverfordwest, nor to a certain other bridge erected over and across the said river Wye called the Broughrood Bridge, and which is situated on or between the confines of the said county of Brecknock and of the said county of Radnor, nor to any local Act or Acts of Parliament for making, erecting, maintaining, or regulating the said last-mentioned bridges respectively, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

And after reciting that a certain portion of road heretofore made and maintained under a certain local Act of Parliament, 4 Geo. 4. c. iv., intituled, 'An Act for making and maintaining a Road from Rhayader in the County of Radnor to Llangerrig in the County of Montgomery,' is locally situated in the said last-mentioned county of Montgomery: —

It is Enacted,

CXII. That from and after the repeal of the said last-mentioned local Act the said last-mentioned portion of road shall, for the purpose of this Act, and for the purpose of maintaining the same, be annexed to and become part of the next adjoining district of roads of and belonging to the said county of Montgomery; and all the powers, clauses, and provisions of an Act, 4 & 5 Will. 4. c. xxxi., intituled, 'An Act for improving and maintaining certain Roads in the Counties of Montgomery, Merioneth, Salop, and Denbigh,' shall apply to and include such last-mentioned portion of road, in like manner as if the same had been expressly mentioned and comprised in the said Act: Provided always, that it shall not be lawful for the trustees, or other persons acting in execution of the said last-recited Act, to erect or maintain any toll-gate or toll-bar, or to collect or cause to be collected any toll, upon, across, or at the side of the said portion of road, anything in the said last-recited Act to the contrary notwithstanding.

CXIII. That all fines and penalties imposed by this Act shall be recovered and applied in the same manner as fines and penalties imposed by the said general Turnpike Acts or any of them; and the several clauses and provisions in the said last-

mentioned Acts contained respecting the recovery and application of penalties shall be applicable for the purposes of this Act as if the same were expressly re-enacted herein.

CXIV. That in construing this Act the following words and expressions shall have the several meanings hereinafter assigned to them, unless there be something in the subject or context repugnant to such constructions; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

The word "person" shall include corporation, whether sole or aggregate:

Words importing the masculine gender shall include females:

The word "lands" shall include all messuages, tenements, and hereditaments:

The word "parish" shall include townships, tithings, rapes, vills, wapentakes, divisions, liberties, market towns, franchises, hamlets, precincts, chapeltries, or other like districts:

The words "general Quarter Sessions" shall include general or quarter sessions, or adjournments thereof:

The words "Justices of the Peace" shall include Justices of the Peace of any county, borough, liberty, precinct, county of a town, or town corporate:

The words "turnpike roads" shall include all roads, ways, streets, lanes, causeways, or bridges, or parts thereof, mentioned or comprised in any local Act of Parliament, in, upon, or at the sides of which tolls are authorized by such Act to be collected, and which tolls are applicable to the debt charged upon the same, and to the maintenance or repair of such roads, ways, streets, lanes, causeways, or bridges:

The words "turnpike trust" shall include all and every turnpike road or roads, or parts thereof, the tolls of which are applicable to the debt charged upon such tolls only, or to the maintenance of such road or roads only, or parts thereof, whether regulated or not by the same Act or Acts of Parliament, with any other road or roads, or parts thereof:

The word "trustees" shall be held to include Commissioners and all persons appointed to put in execution any local Act or Acts for regulating turnpike roads:

The word "tolls" shall include all monies payable under any Act regulating turnpike roads, or forming part of the revenue of any turnpike roads:

The words "toll gates" shall include toll bars, toll houses, and all other erections, buildings, and things built up, set up, or made for any purpose connected with the collection of tolls:

The word "mortgage" shall include all deeds, tallies, bonds, assignments, or other instruments by which any principal sum of money is secured upon any tolls, or by which any tolls or toll gates, or any part or proportion thereof, are assigned, in consideration of any principal sums of money advanced to any trustees of turnpike roads, and all assignments of such deeds, assignments, or other instruments:

The word "mortgages" shall include all persons holding or entitled to hold any such mortgages, tallies, deeds, bonds, assignments, or other instruments or assignments, or transfers thereof as aforesaid:

The word "month" shall mean calendar month; and where any number of days is specified, the same shall be reckoned exclusively of the days to and from which computation is directed to be made.

CXV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

An Act passed in the Third Year of the Reign of King George the Fourth, intituled "An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England."

An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled "An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England."

An Act passed in the Session held in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads in England."

An Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads."

An Act passed in the Session held in the First and Second Years of the Reign of King William the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads in England, so far as they relate to certain Exemptions from Toll."

An Act passed in the Session held in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to explain certain Provisions in Local Acts of Parliament relating to Double Toll on Turnpike Roads."

An Act passed in the Session held in the Third and Fourth Years of King William the Fourth, intituled "An Act requiring the annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament."

An Act passed in the Session held in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled "An Act to amend an Act of the Third Year of King George the Fourth, for regulating Turnpike Roads in England, so far as the same relates to the Weights to be carried upon Waggon with Springs."

SECOND SCHEDULE.

RATE of TOLL to be taken in the COUNTIES to which this Act refers.

For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Landaulet, Barouche, Chaise, Phaeton, Vis-a-vis, Calash, Curricule, Car, Chair, Gig, Hearse, Caravan, Litter, or any such like Carriage	£.	s.	d.
	0	0	6
For every Horse or other Beast, except Asses, drawing any Waggon, Wain, Cart, or other such like Carriage	0	0	4
For every Ass drawing any Cart, Carriage, or other Vehicle	0	0	2
For every Horse or Mule, laden or unladen, and not drawing	0	0	1½
For every Ass, laden or unladen, and not drawing	0	0	0½
For every Drove of Oxen, Cows, or neat Cattle, the Sum of Ten-pence per score, and so in proportion for any greater or less number.			
For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less number.			
For every Carriage drawn or impelled by Steam, or other Power other than Animal Power, having Two Wheels	0	1	0
And for every such last-mentioned Carriage having more than Two Wheels	0	2	0

CAP. XCII.

AN ACT to amend the Law respecting the Office of County Coroner.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. 58 Geo. 3. c. 95. repealed.
2. *Petition for division of counties.*
3. *Preparation of petition.*
4. *Division of the county into districts.*
5. *Districts to be assigned to coroners.*
6. *Provisions for coroners already acting in districts.*
7. *List of places in each district to be made.*
8. *Detached parts to form parts of counties by which they are surrounded.*
9. *Election to be held in the district;—who to elect.*
10. *Sheriff to hold a special county court for election of coroner.—If election not determined on the view, then to proceed to take a poll.—Duration of poll.*
11. *Places for taking the poll at elections for coroners.*
12. *Sheriff may erect polling booths for taking the poll at.—No voter to poll out of the district where his property lies.—In case of a parish not included in any district.*
13. *Poll clerks to be appointed and sworn.—Inspector of poll clerk.—Electors to be sworn.—Oath.*
14. *Punishment for perjury.*
15. *Custody of poll books, and final declaration of the poll.*
16. *Expenses of sheriff, &c. to be paid by the candidates.*
17. *Coroners may compel attendance of jurors and witnesses.—Coroner to certify defaulters to the clerk of the peace;—who shall enter them on the roll of fines.—Proviso.*
18. *Coroner not to act professionally in prosecutions where he shall have sat as coroner in the same case.*
19. *Coroner, although elected for a district, shall be considered as coroner for the whole county, except, &c.*
20. *Present and future coroners (except during illness, &c. of coroner for another district, or in case of vacancy in the office,) to hold inquests only within the district to which they shall have been assigned or elected.*
21. *Coroners to be paid travelling expenses where inquisition shall not be taken.*
22. *Coroners to be paid when they act for sheriffs.*
23. *Coroners for detached places to continue to hold inquests.*
24. *Expenses of inquests occasioned to any county with respect to any detached part of any other county.*
25. *Coroners for particular places excepted out of this Act.*
26. *Provisions of Act as to expenses to extend to the Cinque Ports.*
27. *To what places this Act shall not extend.*
28. *Meaning of "county."*
29. *Not to affect the royal prerogative.*
30. *Act to extend only to England.*
31. *Act may be amended this session.*

By this Act,

After reciting that the regulations for the elections of coroners for counties are insufficient: and that such elections are made with much inconvenience, and are attended with great and unnecessary expense: and that for remedy of such grievances, it is expedient that an alteration should be made in the manner of making such elections:—

It is Enacted,

- I. That an Act, 58 Geo. 3. c. 95, intituled, 'An Act to regulate the Elections of Coroners for Counties,' shall be repealed.
- II. That when and as often as it shall seem expedient to the Justices of any county that such county should be divided into two or more districts for the purposes of this Act, or that any alteration should be made of any division theretofore made under this Act, it shall be lawful for the said Justices, in general or quarter session assembled, to resolve that a petition shall be presented to Her Majesty, praying that such division or alteration be made, and thereupon to adjourn the further consideration of such petition until notice thereof shall be given to the coroner or coroners of such county as hereinafter provided.
- III. That the clerk of the peace shall give notice of any such resolution to every coroner for such county, and of the time when the petition will be taken by the said Justices into consideration, and the Justices shall confer with every such coroner, who shall attend the meeting of the Justices for that purpose, touching such petition, having due regard to the size and nature of each proposed district, the number of the inhabitants, the nature of their employments, and such other circumstances as shall appear to the Justices fit to be considered in carrying into execution the provisions of this Act; and such petition, with a description of the several proposed districts, and of the boundaries thereof, with the reasons upon which the petition is founded, shall be certified to Her Majesty under the hands and seals of two or more of the Justices present when such petition shall be agreed to, and the clerk of the peace for such county shall forthwith give or send a true copy of such petition, certified under his hand, to every coroner for such county.
- IV. That it shall be lawful for Her Majesty, if she shall think fit, with the advice of her Privy Council, after taking into consideration any such petition, and also any petition which may be presented to her by any coroner of the same county concerning such proposed division or alteration, or whenever it shall seem fit to Her Majesty to direct the issue of a writ de coronatore eligendo, for the purpose of authorizing the election of an additional coroner above the number of those who have been theretofore customarily elected in such county, to order that such county shall be divided into such and so many districts, for the purposes of this Act, as to Her Majesty, with the advice aforesaid, shall seem expedient, and to give a name to each of such districts, and to determine at what place within each district the court for the election of coroner for such district shall be holden as hereinafter provided, and every such order shall be published in the *London Gazette*.
- V. That the Justices in general or quarter session assembled shall assign one of such districts to each of the persons holding the office of coroner in such county, and upon the death, resignation, or removal of any such person each of his successors, and also every other person thereafter elected into the office of coroner in such county, shall be elected to and shall exercise the office of coroner, according to the provisions of this Act, and shall reside within the district in and for which he shall be so elected, or in some place wholly or partly surrounded by such district, or not more than two miles beyond the outer boundary of such district.
- VI. That whenever it shall appear to Her Majesty, with the advice aforesaid, and shall be set forth in the said Order in Council, that any such county has been customarily divided into districts for the purpose of holding inquests during the space of seven years before the passing of this Act, and it shall seem expedient to Her Majesty, with the advice aforesaid, that the same division of the county be made under this Act, each of such districts shall be assigned to the coroner usually acting in and for the same district before the passing of this Act; but if it shall appear expedient to Her Majesty, with the advice aforesaid, that a different division of such county be made, and any such coroner shall present a petition to Her Majesty, praying for compensation to him for the loss of his emoluments arising out of such change, it shall be lawful for Her Majesty, with the advice aforesaid, to order the Lord High Treasurer or Commissioners of Her Majesty's Treasury to assess the amount of compensation which it shall appear to him or them ought to be awarded to such coroner, and the amount of such compensation shall be paid by the treasurer of the county to such coroner, his executors or administrators, out of the county rate.
- VII. That such Justices so assembled as aforesaid shall order a list to be prepared by the clerk of the peace for their respective counties of the several parishes, townships, or hundreds, as the case may be, in each and every of the several districts into which the respective counties shall be divided under the authority of this Act, specifying in such list the place within each district at which the court for the election of coroner is to be holden, and also the place or places at which the poll shall be taken, inserting the parishes, townships, and places for each of such polling places, and shall cause such order to be enrolled among the records of the county.
- VIII. That all isolated or detached parts of counties shall be considered, for the purposes of this Act, as forming a part of that county, riding, or division respectively whereby such isolated or detached parts shall or may be wholly surrounded, but if any such isolated or detached part shall be surrounded by two or more counties, ridings, or divisions, then as forming part of that county, riding, or division with which such isolated or detached part shall have the longest common boundary.
- IX. That from and after the time when any county shall have been so as aforesaid divided every election of a coroner for any such district shall be held at some place within the district in which he shall be elected to serve the office of coroner; and that every person to be so elected shall be chosen by a majority of such persons residing within such district as shall at the time of such election be duly qualified to vote at the elections of coroners for the said county.
- X. That from and after the division of any counties as aforesaid into coroners districts, upon every election to be made of any coroner or coroners for any county the sheriff of the county where such election shall be made shall hold a court for the same election at some convenient place within the district for which the election of coroner shall take place, on some day to

be by him appointed, which day shall not be less than seven days nor more than fourteen days after the receipt of the writ de coronatore eligendo; and in case the said election be not then determined upon the view, with the consent of the electors there present, but that a poll shall be demanded for determination thereof, then the said sheriff, or in his absence his under-sheriff, shall adjourn the same court to eight of the clock in the forenoon of the next day but one, unless such next day but one shall be Saturday or Sunday, and then of the Monday following; and the said sheriff, or in his absence the under-sheriff, with such others as shall be deputed by him shall then and there proceed to take the said poll in some public place or places by the same sheriff, or his under-sheriff as aforesaid in his absence, or others appointed for the taking thereof as aforesaid; and such polling shall continue for two days only, for eight hours in each day; and no poll shall be kept open later than four of the clock in the afternoon of either of the said days.

XI. That for more conveniently taking the poll at all elections of coroners under the authority of this Act the poll for the election of the coroner in each district shall be taken at the place to be appointed for holding the court for such election, and at such other places within the same district as may for the time being be appointed by the Quarter Sessions.

XII. That at every contested election of coroner for any district of the said county the sheriff, under-sheriff, or sheriff's deputy shall, if required by or on the behalf of any candidate on the day fixed for the election, and, if not so required, may, if it shall appear to him expedient, cause a booth or booths to be erected for taking the toll at the court or principal place of election, and also at each of the polling places within the district hereinbefore directed to be used for the purposes of such election, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the several parishes, townships, and places for which such booth is respectively allotted; and no person shall be admitted to vote at any such election in respect of any property situate in any parish, township, or place, except at the booth so allotted for such parish, township, or place, and if no booth shall be allotted for the same, then at any of the booths for the same districts; and in case any parish, township, or place, or part of any parish, township, or place, shall happen not to be included in any of the districts, the votes in respect of property situate in any parish, township, or place, or any part of any parish, township, or place, so omitted, shall be taken at the court or principal place of election for such district of the said county.

And for the more due and orderly proceeding in the said poll;—

It is Enacted,

XIII. That the said sheriff, or in his absence the under-sheriff, or such as he shall depute, shall appoint such number of clerks as to him shall seem meet and convenient for the taking thereof, which clerks shall take the said poll in the presence of the said sheriff or his under-sheriff, or such as he shall depute; and before they begin to take the said poll every clerk so appointed shall by the said sheriff or his under-sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same poll, and to set down the names of each elector, and the place of his residence, and for whom he shall poll, and to poll no elector who is not sworn, if required to be sworn by the candidates or either of them; and which oaths of the said clerks, the said sheriff or his under-sheriff, or such as he shall depute, shall have authority to administer; and the sheriff, or in his absence his under-sheriff, as aforesaid, shall appoint for each candidate such one person as shall be nominated to him by each candidate to be inspector of every clerk who shall be appointed for taking the poll; and every elector, before he is admitted to poll at the same election, shall, if required by or on behalf of any candidate, first take the oath hereinafter mentioned; which oath the said sheriff, by himself or his under-sheriff, or such sworn clerk by him appointed for taking the said poll as aforesaid, shall have authority to administer; (that is to say),

'I SWEAR [or, being one of the People called Quakers, or entitled by Law to make Affirmation, solemnly affirm], That I am a Freeholder of the County of _____ and have a Freehold Estate, consisting of _____ lying at _____ within the said County; and that such Freehold Estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my Vote at this Election; and that the Place of my Abode is at _____ [and, if it be a Place consisting of more Streets or Places than One, specifying what Street or Place]; that I am Twenty-one Years of Age, as I believe; and that I have not been before polled at this Election [adding, except in Cases of solemn Affirmations] 'So help me GOD.'

XIV. That every elector or other person who shall wilfully and falsely take the said oath or affirmation hereby appointed to be taken by the electors as aforesaid shall for every such offence incur the penalties by law inflicted on persons guilty of perjury; and every person who shall unlawfully and corruptly procure or suborn any freeholder or other person wilfully and falsely to take the said oath or affirmation in order to be polled shall for every such offence incur such pains and penalties as are by law inflicted on persons guilty of subornation of perjury.

XV. That the poll clerks shall, at the close of the poll, inclose and seal their several books, and shall publicly deliver them, so inclosed and sealed, to the sheriff, under-sheriff, or sheriff's deputy presiding at such poll, who shall give a receipt for the same; and every such deputy who shall have received any such poll-books shall forthwith deliver or transmit the same, so inclosed and sealed, to the sheriff or his under-sheriff, who shall receive and keep all the poll-books unopened until the reassembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll, and shall make proclamation of the person chosen, not later than two of the clock in the afternoon of the said day.

XVI. That all the reasonable costs, charges, and expenses which the said sheriff, or his under-sheriff or other deputy shall expend or be liable to in and about the providing of poll-books, booths, and clerks (such clerks to be paid not more than one guinea each for each day), for the purpose of taking the poll at any such election, shall be borne and paid by the several candidates at such election in equal proportions.

And after reciting that great difficulty and delay is frequently occasioned by the non-attendance of jurors and witnesses summoned to attend the coroner on taking an inquest;—

It is Enacted,

XVII. That if any person, having been duly summoned as a juror or witness to give evidence upon any coroner's inquest, as well of liberties and franchises contributing to the county rates, as of counties, cities, and boroughs, shall not, after being openly called three times, appear and serve as such juror, or appear and give evidence on such inquest, every such coroner shall be empowered to impose such fine upon every person so making default as he shall think fit, not exceeding 40s.; and every such coroner shall make out and sign a certificate, containing the name and surname, the residence, and trade or calling of every such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the clerk of the peace for the county, riding, division, or place in which such defaulter shall reside, on or before the first day of the Quarter Session of the peace then next ensuing, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence twenty-four hours at the least before the first day of the said next Quarter Session of the peace; and every such clerk of the peace shall copy the fine or fines so certified on the roll on which all fines and forfeitures imposed at such Quarter Session of the peace shall be copied, and the same shall be estreated, levied, and applied in like manner, and subject to the like powers, provisions, and penalties in all respects, as if such fine or fines had been part of the fines imposed at such Quarter Session: Provided always, that nothing herein contained shall be construed to affect any power now by law invested in the coroner for compelling any person to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing and giving evidence, or otherwise.

XVIII. That from and after the passing of this Act in all cases in which any person shall be charged by any coroner's inquisition with the commission of any crime, and shall be subsequently put upon his trial, either on such inquisition, or in pursuance of any bill of indictment found for the same, the coroner before whom such inquisition shall have been found shall be wholly incompetent to act as an attorney in prosecution or defence of such person for such crime, either by himself or his partner (directly or indirectly); and that in all cases in which it shall appear to the Judge before whom such person shall be tried that any coroner shall have so acted contrary to the provision and intention of this Act, such Judge shall impose upon every coroner so offending such penalty, not exceeding 50*l.*, as the said Judge shall in his discretion think fit.

XIX. That every coroner elected under the authority of this Act, although such coroner may be designated as the coroner for any particular district of a county, and may be elected by the electors of such district, and not by the freeholders of the county at large, shall for all purposes whatsoever, except as hereinafter mentioned, be considered as a coroner for the whole county, and shall have the same jurisdiction, rights, powers, and authorities throughout the said county as if he had been elected one of the coroners of the said county by the freeholders of the county at large.

XX. That, except as aforesaid, every coroner for any county, or any district thereof, or his deputy, after he shall, in pursuance of the provisions of this Act, have been assigned to or elected by the electors of any particular district, shall, except during illness or incapacity, or unavoidable absence as aforesaid of any coroner for any other district, or during a vacancy in the office of coroner for any other district, hold inquests only within the district to or for which he shall have been assigned or elected: Provided always, that the coroner who shall, by himself or deputy, hold any inquest in any other district, save that to which he shall have been assigned or elected as aforesaid, shall, in his inquisition to be returned on such inquest, certify the cause of his attendance and holding such inquest; which certificate shall be conclusive evidence of the illness or incapacity or unavoidable absence as aforesaid of the coroner in whose stead he shall so attend, or of there being a vacancy in the office of coroner for the district in which such inquest shall be holden.

And after reciting that doubts have arisen as to the power of the Justices to order the payment of allowances for travelling in any case where an inquisition has not been taken, although such coroner has been compelled to travel from his usual place of abode for the purpose of taking an inquisition;—

It is Enacted,

XXI. That it shall and may be lawful for the Justices of the Peace in their general or quarter sessions assembled for the county, riding, division, or liberty, where such inquisition would have been taken, or the major part of them, if they shall see fit, to order the payment of such allowances for travelling to any coroner who shall shew, to the satisfaction of the said Justices, that he had been compelled, in the discharge of his office, to travel from his usual place of abode for the purpose of taking an inquisition, but which, in the exercise of his discretion, he deemed to be unnecessary, and declined to take.

And after reciting that in cases where the sheriff is a party, or otherwise disqualified to act, and in various other cases, writs and processes in civil actions and suits, and also extents and other process where the Queen is interested, are frequently directed to and executed by the coroner in the place and stead of the sheriff, but the coroner is not in any such case allowed any fee or reward for the execution of any such writs, process, or extents:—

It is Enacted,

XXII. That in all cases where any writ, process, or extent whatsoever shall be directed to and executed by any coroner or coroners in the place or stead of any sheriff or sheriffs, such coroner or coroners shall have and receive such and the same poundage fees or other compensation or reward for executing the same as the sheriff or sheriffs, if he or they had executed the same, would have been entitled to receive for so doing, and shall also have such and the same right to retain, and all other remedies for the recovery of the same, as the sheriff or sheriffs would have had in whose place and stead such coroner or coroners shall have been substituted; and if the fees or compensation payable to the sheriffs shall at any time after the passing of this Act be increased by Act of Parliament or otherwise, that in every such case the coroner or coroners shall be entitled to such increased fees or compensation.

And after reciting that by an Act, 6 & 7 Vict. c. 12, intituled, 'An Act for the more convenient holding of Coroners Inquests,' it was enacted, that for the purpose of holding coroners inquests every detached part of a county, riding, or division shall be deemed to be within that county, riding, or division by which it is wholly surrounded, or where it is partly surrounded,

by two or more counties, within that one with which it has the longest common boundary: And that as to some such detached parts of counties, ridings, or divisions there were at the time of the passing of the last-mentioned Act coroners appointed expressly for and having jurisdiction in such detached parts only, and doubts have arisen whether such last-mentioned coroners were superseded by such last-mentioned Act:—

It is Enacted,

XXII. That as to every such detached part of any county for which at the time of the passing of the said last-mentioned Act there was a coroner appointed for and acting in such detached part such last-mentioned coroner shall (if now living, and not having resigned or been removed from his office otherwise than by the operation of the said Act,) continue to hold and exercise his former office and jurisdiction within such detached part for so long a time and in such manner as such coroner would have held and exercised the said office and jurisdiction if the said last-mentioned Act had not passed.

XXIV. That the treasurer of every county shall keep an account of all expenses occasioned to such county by any inquest in or with respect to any such detached part of any other county, and shall twice in every year send a copy of such account to the treasurer of the other county to which such detached part belongs; and the treasurer of such other county shall, out of the monies in his hands as treasurer, pay the same to the order of the treasurer sending the account, with all reasonable charges of making and sending the account; and in case any difference shall arise concerning the said account, and such difference shall not be adjusted by agreement, it shall be lawful for either of the parties to apply to the Justices of Assize of the last preceding circuit or of the next succeeding circuit, or to one of such Justices, who shall, by writing under their or his hands or hand, nominate a barrister-at-law, not having any interest in the question, to arbitrate between the parties; and such arbitrator may, if he shall see fit, adjourn the hearing from time to time, and require all such further information to be afforded by either of the parties as shall appear to him necessary, and shall by his award in writing determine the matters in difference; and his award shall be final and conclusive between the parties; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom and out of what fund the same shall be paid.

XXV. That no coroner of the Queen's household and the verge of the Queen's Palaces, nor any coroner of the Admiralty, nor any coroner of the city of London and borough of Southwark, or of any franchises belonging to the said city, nor any coroner of any city, borough, town, liberty, or franchise which is not contributory to the county rates, or within which such rates have not been usually assessed, shall be entitled to any fee, recompence, or benefit given to or provided for coroners by this Act; but that it shall be lawful for all such coroners as are last-mentioned to have and receive all such fees, salaries, wages, and allowances as they were entitled to by law before the making of this Act, or as shall be given or allowed to them by the person or persons by whom they have been or shall be appointed.

XXVI. That the provisions of this Act touching the allowance for the travelling expenses of coroners shall be deemed and taken to extend to coroners appointed and acting for the jurisdiction of the Cinque Ports, anything hereinbefore contained to the contrary notwithstanding.

XXVII. That nothing in this Act contained touching the divisions of counties into districts, or the appointment or election of coroners shall extend to the county of Chester, or any county palatine, city, borough, town, liberty, franchise, part, or place the appointment or election of coroner whereof takes place by law otherwise than under the writ *De coronatore eligendo*.

XXVIII. That in construing this Act the word "County" shall be taken to mean, county, riding, or division of a county in and for which a separate coroner hath been customarily elected; and that in the counties of York and Lincoln all things hereinbefore directed to be done by and with respect to the Justices in general or quarter sessions assembled, and by their clerk, shall be done by and with respect to the Justices of the said counties of York and Lincoln in general gaol sessions assembled, and by their clerk.

XXIX. Provided, declared and enacted, That nothing herein contained shall be construed to abridge or affect the royal prerogative, or the authority of the Lord Chancellor, for issuing a writ *De coronatore eligendo* as fully as if this Act had not been passed.

XXX. That this Act shall extend only to England.

XXXI. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

CAP. XCIII.

AN ACT to enable Barristers appointed to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Arbitrating barrister, upon receiving a requisition in writing from treasurer of the county or visiting Justices of the peace, &c. may state a special case, touching any matter referred to him, for the opinion of a superior court.*
 2. *In case barrister die before making his award another one to be chosen.*
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By this Act,

After reciting that by 5 & 6 Will. 4. c. 76, and 5 & 6 Vict. c. 98, provision was made for the appointment of barristers-at-law to arbitrate in cases of difference concerning certain accounts and the amounts of certain expenses therein mentioned: And that it is expedient that the treasurer of the county, the visiting Justices of the prison, and the council of the borough, or any of them, affected by any award which may be made by any barrister under the authority of either of the said Acts, should be enabled to obtain in a summary way the opinion of one of the superior courts of common law at Westminster upon any point of law arising out of any of the matters referred to such barrister:—

It is Enacted,

I. That in any case in which a barrister-at-law shall have been or shall hereafter be named, as in the said recited Acts or either of them is mentioned, to arbitrate between the parties, such barrister-at-law, upon the requisition in writing of the treasurer of the county, or of the visiting Justices of the prison, or of the town clerk of the borough, on behalf of the council of the borough who shall be interested in the decision of such barrister, shall be empowered, if he shall think fit, before making his award, to state one or more special case or cases touching any of the matters referred to such barrister-at-law for the opinion of such one of the superior courts of common law at Westminster as he shall direct, or to raise in any award to be at any time made by him any question or questions for the opinion of such Court; and such Court shall hear and determine the matter according to the practice of the court upon special cases, and make such order as to the costs, and by and to whom and in what manner the same shall be paid or borne, as to such Court shall seem meet, and the decision of the Court shall be binding on such barrister in making his award.

II. And it is declared and enacted, That in case any barrister who shall have been or shall hereafter be named, in pursuance of the said recited Acts or either of them, or of this Act, shall die, or refuse to act, or be disabled from acting, either from ceasing to practise as a barrister or for any other reason, before making his award, the several parties in the said several Acts mentioned shall be authorized and required to name another barrister-at-law for all the purposes in the said several Acts mentioned, or any of them, in like manner as if no appointment had been made under the same; and the barrister so newly named shall have the same authority to decide the matters in difference as if no other appointment had been made; and in every such case in which, before the passing of this Act, a second barrister has been appointed to settle or determine any matters in difference, left unsettled or undetermined by the barrister first appointed for that purpose, the appointment of such second barrister shall be deemed good, and the barrister so secondly appointed shall be deemed to have and to have had from his appointment the same authority as if appointed under this Act.

CAP. XCIV.

AN ACT to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Crown may nominate ministers by warrant under sign manual.*
2. *Bishop may license, as to any existing perpetual curacy.*
3. *Warrant without fee.—Fee for licence.*
4. *How scheme to be served where incumbent or patron absent from England.*
5. *How where incumbent incapacitated or benefice sequestered.*
6. *How where patrons numerous.*
7. *Construction of certain terms in 6 & 7 Vict. c. 37.*
8. *Original map or plan may be registered.*
9. *Bounds of districts may be varied within limited time.*
10. *Until minister licensed, cure of souls not affected.*
11. *Form of grant or conveyance.*
12. *Act may be altered this session.*

By this Act,

After reciting the passing of 6 & 7 Vict. c. 37, and that it is expedient to explain and amend certain of the provisions of the said Act;—

It is Enacted,

I. That wherever any right of patronage of any district or new parish constituted under the authority of the said Act, and nomination of the minister or perpetual curate thereof, shall be assigned to or vested in or may be exercised by Her Majesty, according to or under the provisions of the same Act, it shall be lawful for Her Majesty to nominate to the bishop of the diocese a spiritual person to be licensed to such district or new parish as minister or perpetual curate thereof, as the case may be, by warrant under her royal sign manual; and such warrant shall be full and sufficient authority to such bishop to license such spiritual person accordingly.

II. And it is declared and enacted, That wherever any right of patronage of any such district or new parish shall in like manner be assigned to or vested in or may be exercised by any bishop, it shall be lawful for such bishop to license a spiritual person to such district or new parish as minister or perpetual curate thereof, as the case may be, in the same manner, *mutatis mutandis*, as he may now by law license a spiritual person to any perpetual curacy.

III. Provided and enacted, That no fee whatever shall be payable for or in respect of any such warrant as aforesaid; and that a fee of 1*l.* and no more, shall be receivable by the secretary of any bishop for and in respect of each and every licence granted by such bishop of a spiritual person as minister or perpetual curate of any such district or new parish as aforesaid, or of any building licensed by such bishop within any such district for the performance of Divine Service, pursuant to the provisions of the said Act; and no further or larger fee or gratuity shall be receivable by any person whomsoever for or in respect of the making, issuing, or granting of any such licence as aforesaid.

IV. And it is declared and enacted, That wherever any incumbent or patron to whom, according to the provisions of the said recited Act, it shall be necessary to transmit or deliver the draft of any scheme proposed to be laid before Her Majesty in council, shall be beyond the seas, it shall be and be deemed to be a sufficient compliance with such provisions to leave such draft, in the case of an incumbent, at the house of residence belonging to his benefice or church, or if there be no such house of residence then at his last usual place of abode in England, and in the case of a patron at his last usual place of abode in England: Provided always, that in any such case of an absent incumbent or patron such scheme shall not be laid before Her Majesty in council until after the expiration of two calendar months from the day on which the draft thereof shall have been so left, unless such incumbent and patron shall in the meantime consent to the same.

V. And it is declared and enacted, That in the case of any such incumbent being an idiot or lunatic or of unsound mind, or of any benefice or church being under sequestration, or of the duties thereof being performed by a curate duly appointed in consequence of the suspension or the reputed incapacity of the incumbent thereof, it shall be and be deemed to be a sufficient compliance with the same provisions to deliver or transmit the draft of any such scheme to the committee of such idiot, lunatic, or person of unsound mind, or to the sequestrator, or to such curate of such benefice or church, as the case may be; and the consent of such committee, sequestrator, or curate shall be deemed to be the consent of the incumbent, within the meaning of the said Act.

VI. And it is declared and enacted, That in any case in which the patronage of any church or chapel of any parish, chapelry, or district is or shall be vested in and exercised by the inhabitants generally of such parish, chapelry, or district, or by any body or class of persons exceeding five in number, it shall be and be deemed to be a sufficient compliance with the same provisions to deliver or transmit the draft of any such scheme to one of such patrons, and to the churchwardens or chapelwardens of any such church or chapel, as the case may be; and such churchwardens or chapelwardens, or one of them, shall thereupon cause notice of the contents of such draft to be given to such patrons, and shall ascertain their objections, if any, or their consent to such scheme, in such manner as the Ecclesiastical Commissioners for England shall direct, and such churchwardens or chapelwardens, or one of them, shall communicate the same to the said Commissioners or to the bishop of the diocese; and the said Commissioners shall not lay such scheme before Her Majesty in council until after the expiration of two calendar months from the day on which such draft shall have been so delivered or transmitted, unless such consent shall in the meantime be given.

VII. And it is declared and enacted, That in the construction of the said recited Act the words "goods and chattels" shall be construed to extend to and comprehend all personal estate and property whatsoever; and the word "testament" shall be construed to extend to and comprehend any will or testamentary paper whatsoever, including under such definition the execution by any such will, testament, or testamentary paper of any appointment, in pursuance of any power, howsoever conferred or acquired.

VIII. And it is declared and enacted, That, notwithstanding anything in the said recited Act contained, it shall be lawful to transmit the original map or plan annexed to any scheme laid before Her Majesty in council under the provisions of the said recited Act, to be registered in the registry of the diocese, instead of a copy thereof, as provided by the same Act.

IX. And it is declared and enacted, That it shall be lawful, by the authority in the said recited Act provided, at any time or times within twelve months after the date of the licence of the minister first licensed to any separate district constituted under the provisions of the same Act, to alter the bounds of such district, although any alteration be not required with a view to the constituting of another separate district; provided always, that the scheme for making any such alteration shall be subject to all the provisions in the same Act and in this Act contained relating to schemes for constituting separate districts thereunder; and that any portion of any such separate district which by any such alteration as aforesaid shall become detached or excluded therefrom shall to all intents and purposes again belong to and form part of the parish, chapelry, or district out of which such portion was taken, upon such separate district being originally constituted, or to and of any new district, as shall be determined by the like authority.

X. And it is declared and enacted, That in the case of any district constituted under the provisions of the said recited Act nothing contained in the scheme or order for constituting the same shall in any manner whatever affect any parish, chapelry, or district, as to the pastoral superintendence of the inhabitants thereof or otherwise, until a minister shall have been duly licensed to such newly constituted district.

XI. That any grant, conveyance, or assurance which shall be made to the said Commissioners by deed, under the authority of the said recited Act, of any lands, tithes, tenements, or other hereditaments, may be made according to the form in the Schedule hereunto annexed contained, or as near thereto as the circumstances of the case will admit; and every such conveyance and assurance shall be valid and effectual in the law to all intents and purposes.

XII. That this Act may be amended or repealed by any Act to be passed during this present session of Parliament.

SCHEDULE.

I [or We, or the Corporate Title, if a Corporation], under the Authority of Acts passed in the Sessions of Parliament held in the Sixth and Seventh and Seventh and Eighth Years of the Reign of Her present Majesty, intituled respectively, "An Act to make better Provision for the Spiritual Care of populous Parishes," and "An Act to explain and amend an Act to make better Provision for the Spiritual Care of populous Parishes," do by these Presents freely and voluntarily, and without any valuable Consideration, give, grant, convey, and assure to the Ecclesiastical Commissioners for England all [*describe the Premises to be conveyed*], and all [my, or our, or the] Right, Title, and Interest [of, if a Corporation,] to and in the same and every Part thereof, to hold to the said Commissioners and their Successors for the Purpose of [*describe the particular Purpose, being some Purpose within the Provisions of the said Acts, or say, generally, for the Purposes of the said Acts*]. In witness whereof, &c.

CAP. XCV.

AN ACT to amend an Act of the Ninth Year of King *George* the Fourth, for the Preservation of the Salmon Fisheries in *Scotland*.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons fishing for salmon within one mile of the shore, not having a legal right or permission, liable to penalty.*
2. *Provisions of recited Act extended to this Act.*
3. *Saving rights of proprietors.*
4. *Saving rights of the Crown.*

By this Act,

After reciting the passing of 9 Geo. 4. c. 39: And that it is expedient to prevent the destruction of salmon, or fish of the salmon kind, in the sea or shores thereof: And that doubts are entertained of the provisions of the said Act being applicable to the sea or sea shore:—

It is Enacted,

i. That if any person not having a legal right or permission from the proprietor of the salmon fishery shall from and after the passing of this Act wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any river, stream, lake, water, estuary, firth, sea loch, creek, bay, or shore of the sea, or in or upon any part of the sea, within one mile of low-water mark, in *Scotland*, any salmon, grilse, sea trout, whitling, or other fish of the salmon kind, such person shall forfeit and pay a sum not less than 10s. and not exceeding 5l. for each and every such offence, and shall, if the sheriff or Justices shall think proper, over and above, forfeit each and every fish so taken, and each and every boat, boat tackle, net, or other engine used in taking, fishing for, or attempting to take fish as aforesaid; and it shall be lawful for any person employed in the execution of this Act to seize and detain all fish so taken, and all boats, tackle, nets, and other engines so used, and to give information thereof to the sheriff or any Justice of the Peace, and such sheriff or Justice may give such orders concerning the immediate disposal of the same as may be necessary.

ii. That the regulations as to the recovery and application of penalties and the apprehension of offenders, and all other enactments and provisions of the said recited Act, shall extend and apply to what is herein above enacted, and this Act shall be construed and applied in the same manner and in all respects as if it had formed part of the said recited Act.

iii. That nothing herein contained shall be construed as depriving any proprietor of salmon fishery of any right now by law vested in such proprietor to prevent any person from fishing either within or beyond the limits specified in this Act.

iv. That nothing herein contained shall affect the rights or property of the Crown.

CAP. XCVI.

AN ACT to amend the Law of Insolvency, Bankruptcy, and Execution.

(9th August 1844.)

[This Act is printed in the Appendix, p. ii.]

CAP. XCVII.—IRELAND.

AN ACT for the more effectual Application of Charitable Donations and Bequests in *Ireland*.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Acts repealed, save as to anything done before commencement of this Act.*
2. *Commissioners of charitable donations and bequests for Ireland appointed.*
3. *Removal and appointment of such Commissioners.*
4. *How many Commissioners may act.*
5. *Chairman of Commissioners.*
6. *Religious questions to be referred to committees.*
7. *Appointment of officers.*
8. *Salaries and expenses.*
9. *Minutes of proceedings to be kept.*
10. *Commissioners to report.*
11. *Property, &c. belonging to body corporate created by recited Act, 40 Geo. 3. (1.) vested in Commissioners under this Act.*
12. *Commissioners may sue for recovery of charitable donations, &c. withheld, &c.—Proceedings not to be undertaken till submitted to Attorney or Solicitor General.*
13. *Actions not abated by dissolution of corporation created by 40 Geo. 3, but same may be prosecuted by Commissioners under this Act.*
14. *Commissioners not to pay costs to attornies, &c. unless amount approved by the Treasury.*
15. *Persons or bodies may by deed vest lands, &c. in the Commissioners, in trust for Roman Catholic ministers in Ireland.*
16. *Deeds to be registered.*
17. *Archbishops, &c. not to alien or demise lands, &c. enjoyed by them under this Act.*
18. *Commissioners of charitable donations, &c. may lease said lands, &c. with consent of Archbishop, &c. of church of Rome.*
19. *Vicar-general and Registrar of Prerogative Court to make return to Commissioners of Charitable Donations, &c. of every charitable donation contained in any will entered in the office of such vicar-general, &c.*
20. *Accounts of the Commissioners to be audited by chief or second remembrancer of the Exchequer in Ireland;*
21. *Who may examine persons on oath respecting such accounts.*
22. *Commencement of Act.*
23. *Act may be amended this session.*

By this Act,

After reciting that it is expedient that the pious intentions of charitable persons should not be defeated by the concealment and misapplication of their donations and bequests to public and private charities in Ireland: and that the provisions of 3 Geo. 3. (1.) and 40 Geo. 3. (1.) have been found insufficient for such purposes; and it is expedient and necessary that provision should be made for the better management of such charitable donations and bequests as have been heretofore made, and such as hereafter may be made:—

It is Enacted,

I. That from and after the commencement of this Act the hereinbefore recited Acts shall be repealed, save as to anything done at any time before the commencement of this Act, all which shall be and remain good to all intents and purposes whatsoever as if this Act had not passed.

II. That the Master of the Rolls in the High Court of Chancery of Ireland for the time being, the Chief Baron of the Court of Exchequer in Ireland for the time being, and the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland for the time being, together with ten other proper and discreet persons, to be from time to time appointed by Her Majesty in council, by warrant under the sign manual, of which ten persons five and not more than five shall at all times be persons professing the Roman Catholic religion, shall be one body politic and corporate, by the name of "The Commissioners of Charitable Donations and Bequests for Ireland," and by that name shall have perpetual succession and a common seal, and by that name may sue and be sued.

III. That the said Commissioners shall be at all times removable by Her Majesty in council, by warrant under the sign manual; and that whenever, by death, resignation, removal, or otherwise, any person shall cease to be a Commissioner under this Act, it shall be lawful for Her Majesty, by warrant as aforesaid, to appoint one other person instead of the person so ceasing to be such Commissioner; and every appointment of the said Commissioners and their successors shall be published in the *Dublin Gazette*.

IV. That all things which the said Commissioners are by this Act authorized to do may be done by any five of such Commissioners: Provided always, that such five Commissioners be for such purpose assembled at a meeting whereof due notice shall have been given to all the said Commissioners.

V. That at each meeting of the said Commissioners the said Master of the Rolls, or in his absence the said Chief Baron of the Court of Exchequer, or in his absence the said Judge of the Prerogative Court, if present, and, in the absence of all, the senior Commissioner in the order of appointment, shall preside; and the chairman at all such meetings shall not only vote as a Commissioner, but, in case of the equality of votes, shall have also the casting or decisive vote.

VI. Provided and enacted, That the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said Commissioners concerning the usages or discipline of the united Church of England and Ireland, or of any body of protestant nonconformists, shall be referred to a committee of the said Commissioners consisting of those Commissioners who are protestants; and that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said Commissioners, concerning the usages or discipline of the Church of Rome, shall be referred to a committee of the said Commissioners consisting of those Commissioners who profess the Roman Catholic religion; and that whenever, by reason of reference to or intendment of any usage of any such church or body, or any district or division, in use according to the discipline of any such church or body, the object of the donation, devise, or bequest shall not be defined with legal certainty in the deed or will creating the trust, the committee to which the same shall be referred shall certify to the Commissioners who is, according to the uses and intendment of such church or body, the person for the time being intended to take the benefit of such donation, devise, or bequest, or other particular facts concerning the usages or discipline of such church or body necessary to be known, for the due administration of the trust, according to the true intent and meaning of the donor; and the Commissioners shall receive every such certificate as evidence of the facts certified, and shall give effect to such donation, devise, or bequest accordingly, so far as the same may be lawfully executed according to the provisions of this Act: Provided always, that nothing herein contained shall be construed to limit or affect the jurisdiction of any court of law or equity.

VII. That it shall be lawful for the Lord Lieutenant or other chief governors of Ireland, with the consent and approbation of the Commissioners of Her Majesty's Treasury, from time to time to appoint during his pleasure a secretary or secretaries to the said Commissioners, and also such officers, clerks, and servants as may be necessary for the purposes of this Act; and the said Commissioners of Her Majesty's Treasury shall fix the salary or salaries of the said secretary or secretaries, officers, clerks, and servants in fit proportion, according to the duties which they from time to time may have to perform.

VIII. That the salaries of the said secretaries, officers, clerks, and servants, and also the necessary expenses of carrying on the business of the said Commissioners of Charitable Donations and Bequests for Ireland, not herein otherwise provided for, shall be paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

IX. That one of the secretaries, or some other officer of the said Commissioners, shall make minutes of the proceedings of the said Commissioners at their several meetings, and shall keep a book, in which he shall enter a fair copy of such minutes, and the names of the Commissioners present; and the fair copy of the minutes of the proceedings of each meeting shall be read at the next meeting of the Commissioners, and if approved as correct shall be signed by the chairman of the meeting at which they shall be so read.

X. That the Commissioners shall, once at least in every year, and also whenever Her Majesty's pleasure shall be signified to them in that behalf, report to Her Majesty their proceedings under this Act; and a copy of every such report shall be communicated to both Houses of Parliament within six weeks after the same shall be made, if Parliament be then sitting, or if not then within six weeks next after the next meeting of Parliament.

XI. That from and after the first publication in the *Dublin Gazette* of the appointment of the Commissioners of Charitable Donations and Bequests for Ireland under this Act the property, estate, and effects, rights, claims, titles, and possessions, of what nature or kind soever, of or belonging or which of right ought to belong to the said body politic and corporate created by the said recited Act, 40 Geo. 3. (I.) and vested in the said body by virtue of the said Act or otherwise, shall vest in and devolve upon the Commissioners of Charitable Donations and Bequests for Ireland created by this Act, subject to such trusts and conditions, liabilities, contracts, and engagements, as the same shall then be subject and liable to.

XII. That the said Commissioners of Charitable Donations and Bequests for Ireland may sue for the recovery of every charitable donation, devise, or bequest intended to be applied in Ireland, which shall be withheld, concealed, or misapplied, and shall apply the same, when recovered, to charitable and pious uses, according to the intention of the donor or donors; and the said Commissioners shall be empowered to deduct out of all such charitable donations, devises, and bequests as they shall recover all the costs, charges and expenses which they shall be put to in the suing for and recovery of the same: Provided always, that no information shall be filed, or petition presented, or other proceeding at law or in equity undertaken or prosecuted, by the said Commissioners, until the same shall be submitted to and allowed by Her Majesty's Attorney or Solicitor General for Ireland, and such allowance certified by him.

XIII. That no action or suit at law or in equity shall be abated by the dissolution of the said corporation created by the said Act, 40 Geo. 3. (I.) but that the Court in which any action or suit shall be depending at the time of the commencement of this Act may, if such Court shall so think fit, upon the application of any party to the said action or suit, allow the name of the Commissioners of Charitable Donations and Bequests for Ireland incorporated by this Act to be substituted in the place of the said Commissioners created by the said statute, 40 Geo. 3. (I.) and such action or suit may be prosecuted and defended in the same manner as if the same had been originally instituted by or against the said Commissioners incorporated by this Act.

XIV. That no sum shall be paid by the said Commissioners of Charitable Donations and Bequests for Ireland to any attorney or solicitor, as and for costs, charges, or expenses, unless the amount of such payment shall first have been approved of by the Commissioners of Her Majesty's Treasury; and before any such sum shall be allowed by the said Commissioners of the Treasury on such account as aforesaid the particulars of all such costs, charges, and expenses shall be laid before them.

XV. That every person or body corporate having in his, her, or their own right any estate or interest, in possession, reversion, or remainder, of or in any lands, tenements, or hereditaments, or any property of or in any goods or chattels, shall have full power, at his, her, and their will and pleasure, by deed duly executed, and attested by two credible witnesses, or by

his or her last will in writing, duly executed according to law, to give and grant to and vest in the said Commissioners of Charitable Donations and Bequests for Ireland, and their successors, all such his, her, or their estate, interest, or property in such lands, tenements, hereditaments, goods, and chattels, or any part or parts thereof, in trust for building, enlarging, upholding, or furnishing any chapel or place of religious worship of persons professing the Roman Catholic religion, or in trust for any archbishop or bishop or other person in holy orders of the Church of Rome officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, and for those who shall from time to time so officiate or shall succeed to the same pastoral superintendence, or for building a residence for his and their use; and such estate, interest, or property in such lands, tenements, or other hereditaments, goods and chattels, shall vest in and be holden by the said Commissioners, subject to the trusts of such deed and will respectively, without any writ or licence other than this Act: Provided always, that nothing herein contained shall be construed to render lawful any donation, devise, or bequest to or in favour of any religious order, community, or society of the Church of Rome bound by monastic or religious vows prohibited by an Act, 10 Geo. 4. c. 7, intitled 'An Act for the Relief of His Majesty's Roman Catholic Subjects,' or to or in favour of any member or members thereof.

XVI. That after the commencement of this Act no donation, devise, or bequest for pious or charitable uses in Ireland shall be valid to create or convey any estate in lands, tenements, or hereditaments for such uses, unless the deed, will, or other instrument containing the same shall be duly executed three calendar months at the least before the death of the person executing the same, and unless every such deed or instrument, not being a will, shall be duly registered in the office for registering deeds in the city of Dublin within three calendar months after the execution thereof.

XVII. That it shall not be lawful for any such archbishop, bishop, or person in holy orders of the Church of Rome to alien, set, let, or in any manner demise for any period whatever such lands, tenements, or hereditaments, or any part thereof, or in any manner whatever to charge or incur the same, or any property enjoyed by him under this Act, but that all charges and incumbrances upon such lands, tenements, and hereditaments, or other property, and all conveyances, gifts, grants, demises, or sub-demises of the same or any part thereof, made or to be made by any such archbishop, bishop, or other person in holy orders of the Church of Rome, shall be absolutely void: Provided always, that it shall and may be lawful for the said archbishop, bishop, or other person in holy orders of the Church of Rome to execute such leases as hereinafter are mentioned.

XVIII. That it shall and may be lawful for the said Commissioners of Charitable Donations and Bequests for Ireland, from time to time, by deed under the common seal of the said Commissioners, to demise or lease the said lands, tenements, or hereditaments, or any part thereof, by and with the consent of the said archbishop, bishop, or other person in holy orders of the Church of Rome, or those who respectively shall succeed them as aforesaid, testified by his or their being a party to and executing such lease, for any term not exceeding twenty-one years, unless on building lease, in which case such lease may be granted for any term not exceeding one hundred years: Provided always, that the said lease shall take effect in possession, and not in reversion or by way of future interest, and that there be made payable during the estate or interest thereby created the best yearly rent that can be reasonably obtained for the same, without any fine, premium, or foregift for the making thereof being paid or payable to the said Commissioners, or to the said archbishop, bishop, or other person in holy orders of the Church of Rome; and provided that there be contained in every such demise or lease a covenant for the payment of the rent thereby reserved, and a condition for re-entry on non-payment of the rent or any part thereof for twenty-one days next after the same shall become due, and so that the lessee or lessees therein named do execute a counterpart of the said demise or lease, and be not in any manner made punishable for committing waste.

XIX. That from and after the commencement of this Act the vicar general or his surrogate, and the registrar of the Prerogative Court, shall make a return upon oath to the Commissioners of Charitable Donations and Bequests for Ireland, between the 1st of July and the 1st of November in every year, of every charitable devise or bequest contained in any will which shall be entered in the office of such vicar general, surrogate, or registrar, which return shall likewise contain the name of the testator, the name or names of the person or persons to whom probate of any such will, or letters of administration with such will annexed, shall be granted, with the date of such will, probate, or administration; which return shall be lodged with one of the secretaries of the said Commissioners; and every such officer as aforesaid who shall neglect to make such return as aforesaid shall forfeit the sum of 5*l*. sterling, to be recovered by any person who shall sue for the same by civil bill; and the person or persons to whom the probate of any such will or letters of administration as aforesaid shall be granted, shall, within three calendar months next after obtaining the same, publish in the *Dublin Gazette*, three times successively, every charitable devise or bequest contained in such will, the name of the testator and date of such will or codicil, and the name of the person or persons to whom such charitable devise or bequest is given and bequeathed, and the name of the person or persons appointed by the testator for the management and direction thereof; and the expense of such publication shall be paid by the said executors or administrators out of the said respective charities; and every such person or persons who shall neglect to publish the same in manner herein required shall forfeit for every such neglect the sum of 5*l*. sterling, to be recovered by any person who shall sue for the same, by any action of debt, bill, plaint, or information, in any of Her Majesty's courts of record.

XX. That the accounts of the said Commissioners of the sums passing through their hands arising from charitable donations and bequests shall, from and after the commencement of this Act, be from time to time audited and declared by the chief remembrancer or second remembrancer of the Court of Exchequer in Ireland; and that the said Commissioners of Charitable Donations and Bequests in Ireland shall cause the said accounts to be made out in such form as the said chief or second remembrancer shall direct, and shall send the same to him, with proper vouchers for their receipts and payments; and the said chief remembrancer or second remembrancer, after examining each account rendered to him as aforesaid, with the documents annexed thereto, shall settle and declare the same, and shall lodge such account, when so settled and declared, with the clerks of Her Majesty's Privy Council in Ireland, who shall send one copy thereof to the said Commissioners.

of Charitable Donations and Bequests for Ireland, and keep one other copy thereof in the Privy Council Office in Ireland.

XXI. That it shall be lawful for the said chief remembrancer or second remembrancer to call before him and examine on oath any person whom he may deem it necessary to examine on the matter of such accounts; and every person who on such examination on oath shall wilfully make any false statement shall be deemed guilty of perjury.

XXII. That this Act shall commence from and after the 1st of January 1845; and that nothing herein contained shall be taken to avoid or render unlawful any donation, devise, or bequest which but for this Act would be lawful, except as to the time within which the deed, will, or instrument containing such donation, devise, or bequest for pious or charitable uses is heretofore required to be executed and registered.

XXIII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XCIII.—IRELAND.

AN ACT to enable the Commissioners of Public Works in Ireland to accept a certain Sum of Money in satisfaction of their Mortgage on the Branch Canals communicating with the Grand Canal in Ireland.

(9th August 1844.)

ABSTRACT OF THE ENACTMENT.

1. On payment of 10,000*l.* by the Grand Canal Company the branch canals herein set forth to vest in the company.
2. Commissioners of Public Works to reconvey mortgages.
3. Act may be amended this session.

By this Act,

After reciting that the late Commissioners for the Loan of Public Money in Ireland did, in pursuance of the powers vested in them, lend to the Company of Undertakers of the Grand Canal in Ireland the sum of 47,108*l.* 1*8s.* 3*d.*, for the employment of the poor, by making a branch canal from the river Shannon near Banagher in the King's County, to the town of Ballinasloe, in the county of Galway, communicating with the said Grand Canal by the river Shannon, upon a mortgage of the lands taken for the said branch canal, and of the expected rates, rents, tolls, and profits to be derived from the said branch canal; and that the said Commissioners did also lend to the said company the further sum of 33,416*l.* 6*s.* 3*d.*, for the employment of the poor, by making another branch canal from the town of Monasterevan, in the county of Kildare to the town of Mountmellick in the Queen's County, communicating with the said Grand Canal, upon a like mortgage of the lands taken for the last-mentioned branch, and also of the expected rates, rents, tolls, and profits of the said last-mentioned branch canal; and that the said Commissioners did also lend to the said company the further sum of 18,000*l.* for the purpose of making a third branch canal, extending from the said Grand Canal at Ballycommon Lock, in the King's County, to the town of Kilbeggan, in the county of Westmeath, upon a mortgage of the lands taken for the last-mentioned branch canal; and also of the expected rates, rents, tolls, and profits of the said last-mentioned branch canal; and that it appears that the tolls and profits of the said branch canals, after paying the costs and charges of maintenance, have been and are wholly inadequate to discharge the principal sums of money lent on the security thereof, or the interest thereof; and that the duties of the said Commissioners are now exercised by, and the said mortgage securities were afterwards transferred to, the Commissioners of Public Works in Ireland; and that it is expedient that the said last-mentioned Commissioners should be empowered to accept the sum hereinafter mentioned, instead of all demands against the said company on account of the said several loans:—

It is Enacted,

1. That upon payment of the sum of 10,000*l.* by the said Company of Undertakers of the Grand Canal into the Bank of Ireland, to the credit and for account of the Paymaster of Civil Services in Ireland, all the estate, right, title, property, or interest whatsoever of the said Commissioners of Public Works in Ireland, or of any person or persons in trust for them, of, in, and to the several lands, tenements, and hereditaments, waters, watercourses, bridges, locks, sluices, drains, banks, dams, roads, towing paths, and other ways of the said three branch canals, extending from the said river Shannon to the town of Ballinasloe, and from the said town of Monasterevan to the said said town of Mountmellick, and from the said Grand Canal at Ballyshannon Lock, to the town of Kilbeggan as aforesaid, shall be vested in the said company and their successors, and that all the said lands, tenements, and hereditaments, waters, watercourses, bridges, locks, sluices, drains, roads, towing paths, and other ways, shall, from and after such payment as aforesaid, be deemed to be parts of the said Grand Canal, and be vested in the said company and their successors, freed and discharged from the said mortgages and all interest accruing thereon, and from all claims and demands whatever in respect thereof: and the said company shall thereafter hold the same to their own use and benefit, and to the use and benefit of their successors for ever, subject and according to the powers and provisions which constitute them undertakers and proprietors of the said Grand Canal.

II. That upon payment of the said sum of 10,000*l.* as aforesaid the said Commissioners of Public Works in Ireland shall, upon the request and at the cost of the said company, assign over and reconvey, or cause to be assigned over and reconveyed, to the said company, any assignment or assignments, mortgage or mortgages of the said lands, rates, rents, tolls, and profits of the said three branch canals, taken or holden by them or by any person or persons in trust for them, or for securing payment of the said several sums of 47,108*l.* 13*s.* 3*d.*, 33,416*l.* 16*s.* 3*d.*, and 18,000*l.*, and surrender up the same to the said Company of Undertakers or their public officer; and that the said company and their successors shall thereupon be freed and discharged from all claim by the said Commissioners of Public Works on account of the said several loans of money, or any interest due thereon.

III. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XCIX.—IRELAND.

AN ACT to extend the Time limited by an Act passed in the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *The time limited by the last-recited Act for the execution of the works extended for three years.*
2. *The powers given by the first-recited Act to cease at the end of the said term, save as to works certified by Justices of Kerry to have been completed.*

By this Act,

After reciting the passing of an Act, 9 Geo. 4. c. cxviii., intituled, 'An Act for making and maintaining a Navigable Cut or Canal from a Point at or near the Black Rock in the Harbour of *Tralee* in the County of *Kerry* to Croompanrickard near the Town of *Tralee* in the said county; and for otherwise improving the said Harbour of *Tralee*;' and of another Act, 6 & 7 Will. 4. c. 114, intituled, 'An Act to extend the Time limited by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for improving the Navigation and Harbour of *Tralee* in the county of *Kerry*;' and of another Act, 4 & 5 Vict. c. 46, intituled, 'An Act to empower the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works authorized to be made by an Act of the Sixth and Seventh Year of the Reign of His late Majesty King William the Fourth, for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*; and to extend the Time for that Purpose;' and reciting certain provisions contained in the said Acts:—

It is Enacted,

1. That the time limited by the said last-recited Act for the completion of the said canal and other works by the said first-recited Act authorized and required to be made and executed shall be and the same is hereby extended for the further term of three years, to be computed from the expiration of the said term of three years by the said last-recited Act limited for such purposes as aforesaid.

II. Provided and enacted, That in case the said canal and other works by the said first-recited Act authorized to be made and executed shall not be made and completed within the said term of three years, to be computed from the expiration of the term of three years by the said last-recited Act limited for such purposes as aforesaid, then from and after the expiration of the said term of three years limited by this Act all the powers, authorities, and privileges by the said first-recited Act given to or conferred upon the said Commissioners for making such canal, and the several works, matters, and things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said canal and other works as shall have been declared and certified to have been completed within the said term by the Justices of the Peace of the said county of *Kerry* assembled at any quarter sessions of the peace to be holden for the said county at any time before the expiration of the said term of three years limited by this Act, or within six calendar months next after the expiration thereof, upon the evidence of any one or more witness or witnesses upon oath to be produced before them for that purpose.

CAP. C.—IRELAND.

AN ACT to supply an Omission in an Act of the Sixth and Seventh Years of Her present Majesty, for amending and continuing the Laws in *Ireland* relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Sect. 49, in recited Act, to have the effect intended notwithstanding the omission.*
2. *Recited Act and this Act to be construed as one Act.*
3. *Act may be amended this session.*

By this ACT,

After reciting the passing of 6 & 7 Vict. c. 74, and that the 49th section of the said Act is in the words following; (that is to say,) "And be it enacted, That it shall be lawful for the grand jury of every county of a city and county of a town in Ireland at each assizes, and for the grand juries at each presenting term for the county of Dublin and county of the city of Dublin, and they are hereby respectively required, to present such sums to be raised off the county as shall have been necessarily disbursed in marking arms under the provisions of this Act in such county of a city or town, and such sums as shall appear to them to have been necessarily disbursed shall be paid to the officer by whom such disbursements shall have been made; and it shall be also lawful for the said grand juries at each assizes or presenting term to present such sums as may be necessary to pay the clerks of the peace and petty sessions respectively for their trouble and expenses in the execution of this Act:" And that in the phrase in the said section, "And be it enacted, That it shall be lawful for the grand jury of every county of a city and county of a town in Ireland," the word "county" was inadvertently omitted, and it is expedient to supply such omission:—

It is declared and Enacted,

I. That the said hereinbefore recited section of the said Act shall be deemed, construed, and taken to have such and the same effect to all intents and purposes whatsoever as if the words following, (that is to say,) "And be it enacted, That it shall be lawful for the grand jury of every county, county of a city, and county of a town in Ireland," had been originally inserted in the said section, instead of the said words "And be it enacted, That it shall be lawful for the grand jury of every county of a city and county of a town in Ireland;" and that the presentments to be made in every county in Ireland at the next assizes for raising off the county such sums as shall have been necessarily disbursed in marking arms in such county, under the authority of the said recited Act and this Act, shall respectively include such sums as shall have been so disbursed for such purpose before the passing of this Act; and that it shall be also lawful for the grand jury of every county in Ireland to include in each such presentment respectively such sums as may be necessary to pay the clerks of the peace and petty sessions respectively for the trouble and expenses incurred by them in the execution of the said recited Act before the passing of this Act.

II. That the provisions of the said last-recited Act (save and except such parts thereof as are by this Act amended) shall apply and extend to this Act, and that the said recited Act and this Act shall be construed together as one Act.

III. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. CI.

AN ACT for the further Amendment of the Laws relating to the Poor in *England*.

(9th August 1844.)

[This Act will be found in the Appendix, p. xv.]

CAP. CII.

AN ACT to repeal certain Penal Enactments made against Her Majesty's Roman Catholic Subjects.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Certain Acts and parts of Acts repealed.*
2. *Act may be altered this session.*

By this Act,

After reciting that Roman Catholics, and persons professing the Roman Catholic religion, were, by certain Acts made and passed by the Parliament of England and the Parliament of Great Britain rendered liable to punishments, pains, penalties, and disabilities for or on account of their religious belief or profession, to which punishments, pains, penalties, and disabilities none other of Her Majesty's subjects are liable: And that it is expedient to amend the law in this respect;—

It is Enacted,

1. That from and after the passing of this Act the several Acts hereinafter mentioned, or so much and such parts of any of them as are hereinafter specified, shall be repealed; (that is to say,)

So much of an Act, 5 & 6 Edw. 6. c. 1, intituled, 'An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm,' as relates to the offence of willingly and wittingly hearing and being present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to that Act, than is mentioned and set forth in such book, so far as the same in any manner affects Roman Catholics:

Also so much of an Act, 1 Eliz. c. 1, intituled, 'An Act to restore to the Crown the ancient Jurisdiction over the Estate, ecclesiastical and spiritual, and abolishing all Foreign Powers repugnant to the same,' whereby, after the following enactment, "that if any person or persons dwelling or inhabiting within this your realm, or in any other your highnesses realms or dominions, of what estate, dignity, or degree soever he or they be, after the end of thirty days next after the determination of this session of this present Parliament, shall, by writing, printing, teaching, preaching, express words, deed, or act, advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the authority, preeminence, power, or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate whatsoever, heretofore claimed, used, or usurped within this realm, or any dominion or country being within or under the power, dominion, or obeysance of your highness, or shall advisedly, maliciously, and directly put in ure or execute any thing for the extolling, advancement, setting forth, maintenance, or defence of any such pretended or usurped jurisdiction, power, preeminence, and authority, or any part thereof, that then every such person and persons so doing and offending, their abettors, aiders, procurers, and counsellors, being thereof lawfully convicted and attainted, according to the due order and course of the common laws of this realm, for his or their first offence shall forfeit and lose unto your highness, your heirs and successors, all his and their goods and chattels, as well real as personal; and if any such person so convicted or attainted shall not have or be worth of his proper goods and chattels to the value of 20*l*. at the time of his conviction or attainder, that then every such person so convicted or attainted, over and besides the forfeiture of all his said goods and chattels, shall have and suffer imprisonment by the space of one whole year, without bail or mainprize;" it is enacted, "that if any such offender or offenders, after such conviction or attainder, do afterwards commit or do the said offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such offender and offenders shall for the same second offence incur into the dangers, penalties, and forfeitures ordained and provided by the Statute of Provision and Premunire made in the sixteenth year of the reign of King Richard the Second; and if any such offender or offenders, at any time after the said second conviction and attainder, do the third time commit and do the said offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such offence or offences shall be deemed and adjudged high treason; and that the offender or offenders therein, being thereof lawfully convicted and attainted according to the laws of this realm, shall suffer pains of death, and other penalties, forfeitures, and losses, as in cases of high treason by the laws of this realm:"

Also so much of an Act, 1 Eliz. c. 2, intituled, 'An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments,' whereby it is enacted, "that all and every person and persons inhabiting within this realm or any other the Queen's Majesty's dominions shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preaching, or other service of God there to be used and ministered," upon the pains, penalties, and punishments therein mentioned, so far as these enactments of the last-mentioned Act relate to or affect Roman Catholics:

Also so much of an Act, 5 Eliz. c. 1, intituled, 'An Act for the Assurance of the Queen's Royal Power over all Estates and Subjects within Her Dominions,' as renders any person violating its provisions liable to the penalties of treason, or of the Statute of Præmunire:

Also the whole of an Act, 23 Eliz. c. 1, intituled, 'An Act to retain the Queen's Majesty's Subjects in their due Obedience:'

Also the whole of an Act, 27 Eliz. c. 2, intituled, 'An Act against Jesuits, Seminary Priests, and other such like disobedient Persons:'

Also so much of an Act, 29 Eliz. c. 6, intituled, 'An Act for the more speedy and due Execution of certain Branches of the Statute made in the Twenty-third Year of the Queen's Majesty's Reign, intituled, "An Act to retain the Queen's Majesty's Subjects in their due Obedience,"' as relates to or in any manner affects Roman Catholics:

Also the whole of an Act, 35 Eliz. c. 1, intituled, 'An Act to retain the Queen's Majesty's Subjects in their due Obedience:'

Also the whole of an Act, 35 Eliz. c. 2, intituled, 'An Act for restraining Popish Recusants to some certain Places of Abode:'

Also an Act, 1 Jac. 1. c. 4, intituled, 'An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.,' except so much of the same Act as relates to the keeping any school, or to the being a schoolmaster, or to the retaining or maintaining a schoolmaster:

Also so much of that part of an Act, 3 Jac. 1. c. 1, intituled, 'An Act for a public Thanksgiving to Almighty God every Year on the Fifth of November,' whereby it is enacted, "that all and every person and persons inhabiting within this realm of England and the dominions of the same shall always upon that day diligently and faithfully resort to the parish church or chapel accustomed, or to some usual church or chapel where the said morning prayer, preaching, or other service of God shall be used, and then and there to abide orderly and soberly during the time of the said prayers, preaching, or other service of God then to be used and ministered," as relates to or in any manner affects Roman Catholics:

Also so much and such parts of an Act, 3 Jac. 1. c. 4, intituled, 'An Act for the better discovering and repressing of Popish Recusants,' as relate to Popish recusants, to the treasons created by the same Act, and to the compelling any Roman Catholic to resort to the church of the parish where he or she shall most usually abide or be within the year, and to receive the Sacrament of the Lord's Supper:

Also another Act, 3 Jac. 1. c. 5, intituled, 'An Act to prevent and avoid Dangers which grow by Popish Recusants,' except those parts of the same Act whereby it is enacted, "that every person or persons that is or shall be a Popish recusant convict during the time that he shall be or remain a recusant shall from and after the end of the then present session of Parliament be utterly disabled to present to any benefice with cure or without cure, prebend or other ecclesiastical living, or to collate or nominate to any free school, hospital, or donative whatsoever, and from the beginning of the then present session of Parliament shall likewise be disabled to grant any avoidance to any benefice, prebend, or other ecclesiastical living," and which specify the counties, cities, and other places and limits or precincts, within which the chancellor and scholars of the University of Oxford and the chancellor and scholars of the University of Cambridge respectively have the presentation, nomination, collation, and donation of and to every such benefice, prebend, living, school, hospital, and donative as shall happen to be void during such time as a patron thereof shall be and remain a recusant convict as aforesaid; and whereby it is provided, "that neither of the said chancellors and scholars of either of the said universities shall present or nominate, to any benefice with cure, prebend, or other ecclesiastical living, any such person as shall then have any other benefice with cure of souls, and if any such presentation or nomination shall be had or made of any such person so beneficed, the said presentation or nomination shall be void, anything in this Act to the contrary notwithstanding:"

Also so much of an Act, 7 Jac. 1. c. 6, intituled, 'An Act for administering the Oath of Allegiance and Reformation of married Women Recusants,' as relates to recusants or to the penalties of recusancy:

Also the whole of an Act, 3 Car. 1. c. 2, intituled, 'An Act to restrain the passing or sending of any to be Popishly bred beyond the Seas:'

Also so much and such parts of two Acts respectively, the one 3 Car. 1. c. 4, intituled, 'An Act for Continuance and Repeal of divers Statutes,' and the other 16 Car. 1. c. 4, intituled, 'An Act for the further Relief of His Majesty's Army and the Northern Parts of the Kingdom,' relating to the continuance of an Act, 35 Eliz. c. 1, intituled, 'An Act to retain the Queen's Majesty's Subjects in their due Obedience,' as in any manner affect Roman Catholics:

Also so much of an Act, 13 & 14 Car. 2. c. 4, intituled, 'An Act for the Uniformity of public Prayers and Administration of Sacraments and other Rites and Ceremonies; and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England,' as confirms any Act or part of any Act hereby repealed:

Also so much of an Act, 25 Car. 2. c. 2, intituled, 'An Act for preventing dangers which may happen from Popish Recusants,' whereby it is enacted, "that if any person or persons, not bred up by his or their parent or parents from their infancy in the Popish religion, and professing themselves to be Popish recusants, shall breed up, instruct, or educate his or their child or children, or suffer them to be instructed or educated, in the Popish religion, every such person being thereof convicted shall be from thenceforth disabled of bearing any office or place of trust or profit in Church or State;" and whereby it is enacted, "that all such children as shall be so brought up, instructed, or educated are and shall be thereby disabled of bearing any such office or place of trust or profit until he and they shall be perfectly reconciled and converted to the Church of England, and shall take the oaths of supremacy and allegiance aforesaid before the Justices of the Peace in the open Quarter Sessions of the county or place where they shall inhabit, and thereupon receive the Sacrament of the Lord's Supper after the usage of the Church of England, and obtain a certificate thereof under the hands of two or more of the said Justices of the Peace:"—

Also so much of an Act, 1 W. & M. c. 8, intituled, 'An Act for the abrogating of the Oaths of Supremacy and Allegiance,' and appointing other oaths, as renders liable any person or persons who shall refuse to take the oaths therein mentioned, or either of them, to imprisonment, fine, and disability to hold any office, civil or military, within this kingdom;

And also so much of the said last-mentioned Act as renders liable any person or persons who shall refuse to make and subscribe the declaration therein mentioned to the pains, penalties, forfeitures, and disabilities of and to be taken and deemed a Popish recusant convict:

Also the whole of an Act, 1 W. & M. c. 9, intituled, 'An Act for the removing Papists and reputed Papists from the Cities of London and Westminster, and Ten Miles Distance from the same:'

Also the whole of another Act, 1 W. & M. c. 15, intituled, 'An Act for the better securing the Government by disarming Papists and reputed Papists;'

Also the whole of another Act, 1 W. & M. c. 17, intituled, 'An Act for rectifying a mistake in a certain Act of this present Parliament, for removing Papists from the Cities of London and Westminster.'

II. That this Act or any part thereof may be repealed, altered, or varied at any time within this session of Parliament.

CAP. CIII.

AN ACT to amend the Law for the Trial of controverted Elections of Members to serve in Parliament.
(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Repeal of 9 Geo. 4. c. 22, and part of 42 Geo. 3. c. 106, and 47 Geo. 3. c. 14.
2. What shall be deemed election petitions.
3. Recognizances to be entered into by petitioners.
4. Sureties to make affidavits of sufficiency, and to be described.
5. Examiner of recognizances to be appointed.
6. Provision for temporary disability of examiner.
7. How recognizances are to be entered into.
8. Option of paying money into the Bank instead of finding security.—Declaration of trust.
9. Where money has been paid into the Bank, the examiner of recognizances to order payment of expenses, and transfer the residue to the account of the party.
10. No petition to be received unless indorsed by the examiner of recognizances.
11. Names of sureties to be kept in the office of the examiner of recognizances, and to be open to inspection.
12. Sureties may be objected to.
13. Notice of objections to be published in the office of the examiner, and copies may be taken.
14. Examiner of recognizances to decide on the objections.
15. In case of death of a surety, the money may be paid into the Bank.
16. Examiner of recognizances to report whether or not sureties are objectionable.
17. How petitions may be withdrawn.
18. Proceedings when the seat becomes vacant, or the sitting member declines to defend his return.
19. Voters may become a party to oppose the petition.
20. Members having given notice of their intention not to defend shall not be admitted as parties.
21. At the beginning of every session the Speaker to appoint a General Committee.
22. If the House disapprove the first appointment, a new appointment to be made.
23. Disapproval may be general or special.
24. Members not disapproved by the House may be again named in the warrant.
25. For what time the appointment shall be.
26. Cases of vacancy to be made known to the House, and proceedings suspended.
27. Cases in which the General Committee shall be dissolved.
28. How vacancies shall be supplied, and re-appointments made.
29. Speaker to fix the time and place of first meeting of committee.—General Committee to be sworn.
30. Members necessary to enable the committee to act.
31. Committee to regulate their own proceedings.
32. Clerk to keep minutes of proceedings to be laid before the House.
33. During any suspension, the Speaker may adjourn any business before the General Committee.
34. Members wholly excused from serving.
35. Names of members claiming to be excused to be called over.
36. Members temporarily excused from serving.
37. Members temporarily disqualified from serving.
38. A corrected list, distinguishing the excused or disqualified members, to be printed and distributed with the votes.
39. List may be further corrected during three days.
40. Selection of members to serve as chairmen of election committees.

41. List to be divided into five panels.
42. General Committee to correct the panels from time to time.
43. Power to transfer to another panel the names of members obtaining leave of absence.
44. For supplying vacancies, and increasing the chairmen's panel.
45. Members upon chairmen's panel to make regulations.
46. Election petitions to be referred to the General Committee.—List of petitions to be made.
47. Where notice of vacancy, or that the sitting member declines to defend, is received by the General Committee, proceedings to be suspended.
48. Provision for cases where more than one petition.
49. Committees to be chosen for petitions according to their order in the list.
50. Notice to be given when any committee will be chosen.—Notice of suspension to be given.
51. Provision for cases where the sitting member does not defend, and no party has been admitted to defend, &c.
52. General Committee empowered to change the day for choosing select committee.
53. Notice of petitions and panels.
54. Lists of voters intended to be objected to shall be delivered to the clerk of the General Committee.
55. Select Committee to be chosen.
56. In case of disagreement, the General Committee to adjourn.
57. Chairmen to be chosen by the members on the chairmen's panel, and his name communicated to the General Committee.
58. When committees chosen the parties to be called in.
59. General Committee to proceed in order with all the petitions appointed for that day.
60. Parties may object to disqualified members.
61. If General Committee allow the disqualification, a new committee to be chosen.
62. In the new committee members not before objected to may be included.
63. Notice to be sent to every member chosen.
64. If any member chosen proves a disqualification, another committee to be chosen.
65. Select committee to be reported to the House.
66. Members of select committee to be sworn.
67. Members of said committee not present within one hour after the meeting of the House, to be taken into custody by the serjeant-at-arms.
68. If any such member is not present within three hours after the meeting of the House, the proceedings to be adjourned.
69. All the members not attending after adjournment, the committee to be discharged.
70. Petitions and lists to be referred to the committee, and time and place of meeting appointed by the House.
71. Committees not to adjourn for more than twenty-four hours, without leave, &c.
72. Committee-men not to absent himself.—Committee not to sit until all be met; on failure of all meeting within one hour, to adjourn.
73. Attorneys to be directed to attend the House.
74. Committee not to be dissolved by the death or absence of not more than two members.
75. If any committee is reduced to less than three by the non-attendance of its members, it shall be dissolved, unless by consent.
76. Committees to be attended by a short-hand writer.
77. Committee empowered to send for and examine persons, papers, and records.—Witnesses misbehaving may be reported to the House, and committed to the custody of the serjeant-at-arms.
78. How oaths to be administered.
79. Giving false evidence to be perjury.
80. Evidence to be confined to objections specified in the lists.
81. Committee to decide, and to report their decision to the House.
82. Committees may report their determination on other matters to the House.
83. When Committee is deliberating, the room to be cleared, &c.
84. Questions to be decided by a majority.
85. Names of members voting for or against any resolution to be reported to the House.
86. Committees to be appointed for petitions standing over on a prorogation of Parliament.
87. Committees not dissolved by the prorogation of Parliament.
88. Costs when incurred by petitioners, &c.
89. Costs when incurred by parties opposing petitions.
90. Costs when incurred where no party appears to oppose a petition.
91. Costs upon frivolous objections.
92. Costs upon unfounded objections.
93. Costs how to be ascertained.
94. Persons appointed to tax costs empowered to take affidavits.
95. Recovery of costs.
96. Persons paying costs may recover a proportion from other persons liable thereto.
97. Recognizances when to be estreated, &c.
98. Returning officer may be sued for neglecting to return any person duly elected.
99. Commencement of Act.
100. Provision for election petitions remaining at the close of the present session.
101. Act may be amended this session.

By this Act,

After reciting that it is expedient to amend the law for the trial of controverted elections of members to serve in Parliament:—

It is Enacted,

I. That an Act, 9 Geo. 4. c. 22, intituled, 'An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament,' and also so much of an Act, 42 Geo. 3. c. 106, intituled, 'An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland,' and also so much of an Act, 47 Geo. 3. c. 14, intituled, 'An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to Ireland,' as requires the parties appearing before any select committee to interchange before the said committee lists of the votes and names of voters to which either of the parties purposes and intends to object, and statements in writing respecting the matters which either of the said parties mean to insist upon, contend for, or to object to, or as provides that no witness shall be called or examined to anything not specified in such lists or statements, shall be repealed, except as to anything done under either of the said Acts; but this enactment shall not revive any Act, or part of any Act, repealed by the firstly-recited Act.

II. That every petition which shall be presented to the House of Commons within such time as shall be from time to time limited by the House, complaining of an undue election or return of a member or members to serve in Parliament, or complaining that no return has been made to any writ issued for the election of any member or members to serve in Parliament on or before the day on which such writ is made returnable, or if such writ be issued during any session or prorogation of Parliament, that no return has been made to the same within fifty-two days after the day on which such writ bears date, or that any return is not according to the requisition of the writ, or complaining of the special matters contained in any such return, shall be deemed an election petition; but no election petition shall be received by the House unless at the time it is presented it shall be subscribed by some person claiming therein to have had a right to vote at the election to which the same shall relate, or to have had a right to be returned or elected thereat, or alleging himself to have been a candidate at the election.

III. That before any election petition shall be presented to the House the person or persons subscribing the same, or some one or more of them, shall personally enter into a recognizance to our Sovereign Lady the Queen, according to the form given in the Schedule (A.) to this Act annexed, for the sum of 1,000*l.*, with one, two, three, or four sufficient sureties, either in the same recognizance or in separate recognizances for the additional sum of 1,000*l.*, in a sum or sums of not less than 250*l.* each, for the payment of all costs and expenses which any committee of the House selected to try such petition in the manner hereinafter provided shall adjudge to be payable by the person or persons subscribing the said petition, and also for the payment of all costs and expenses which shall become due from the person or persons subscribing such petition to any witnesses summoned in his or their behalf, or to any party who shall appear in opposition to such petition, in case such petition shall be withdrawn, as hereinafter allowed.

IV. That every person who shall enter into any such recognizance as surety for any other person shall testify upon oath in writing, to be sworn at the time of entering into the said recognizance, and before the same person by whom his recognizance shall be taken, that he is seised or possessed of real or personal estate (or both), above what will satisfy his debt, of the clear value of the sum for which he shall be bound by his said recognizance, and every such affidavit shall be annexed to the recognizance; and that in every such recognizance shall be mentioned the name and usual place of residence of the persons proposed to become sureties as aforesaid, with such other description of the proposed sureties as may be sufficient to identify them easily.

V. That the Speaker of the House of Commons shall appoint a fit person to be examiner of recognizances; and every person so appointed shall hold his office during the pleasure of the Speaker, and shall execute the duties of his office conformably to such directions as he may from time to time receive from the Speaker.

VI. That in case of the illness, temporary disability, or unavoidable absence of the examiner of recognizances, the Speaker may appoint a fit person to perform the duties of examiner of recognizances during such illness, disability, or absence; and throughout this Act the expression "Examiner of Recognizances" shall be deemed to include and apply to the person so appointed and for the time being performing such duties.

VII. That every recognizance hereinbefore required shall be entered into, and every affidavit hereinbefore required shall be sworn, before the examiner of recognizances or one of Her Majesty's Justices of the Peace; and the said examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such recognizance and affidavit which shall be taken before a Justice, being duly certified under the hand of the Justice before whom they shall have been taken, shall be delivered to the examiner of recognizances.

VIII. Provided and enacted, That it shall be lawful for any person by whom the said petition shall be signed, instead of entering into a recognizance for the full amount of the sums hereinbefore required, to pay into the Bank of England, on the account of the examiner of recognizances as trustee for the like purposes for which the recognizance is hereinbefore required, any amount of money which he shall think fit, in a sum or sums not less than 250*l.* each; and in such case the person by whom the petition shall be signed shall still be required to enter into his personal recognizance for the sum of 1,000*l.*, but shall be required to find a surety or sureties as aforesaid for so much only of the additional sum of 1,000*l.* as the sum paid into the Bank shall fall short of the sum of 1,000*l.*; and no money shall be deemed for the purposes of this Act to be paid into the Bank of England until a bank receipt for the same shall be procured and delivered to the examiner of recognizances.

IX. That in every case in which payment of any money as aforesaid shall have been made into the Bank of England the examiner of recognizances shall be bound, in the first place, and in such order of payment as he in his discretion shall think

64, to satisfy out of the said money all the costs and expenses for securing payment of which such investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the residue (if any), wholly discharged of the said trust, to the account of the party by whom the same shall have been paid in.

x. That no election petition shall be received unless, at the time it is presented to the House, it shall be indorsed by a certificate under the hand of the examiner of recognizances, that the recognizance hereinbefore required has been entered into and received by him, with the affidavits thereunto annexed; and, if the recognizance shall not have been taken for the whole amount, that the necessary amount of money has been paid into the Bank of England as hereinbefore required.

xi. That on or before the day when any such petition shall be presented to the House the names and usual places of residence of the sureties, when there are sureties, shall be entered in a book to be kept by the examiner of recognizances in his office; and the said book, and also the recognizances and affidavits and bank receipt for any money paid into the Bank of England, if any, shall be open to the inspection of all parties concerned.

xii. That it shall be lawful for any sitting member petitioned against, or for any electors petitioning and admitted parties to defend the election or return, to object to the sureties, or any of them, who shall have entered into such recognizance, on the ground of insufficiency, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not acknowledged the same; provided that the ground of objection shall be stated in writing under the hand of the objecting party, or his or their agent, and shall be delivered to the examiner of recognizances within ten days, or not later than twelve of the clock at noon of the eleventh day, after the presentation of the petition, if the surety objected to reside in England, or within fourteen days, or not later than twelve of the clock at noon of the fifteenth day, after the presentation of the petition, if the surety objected to reside in Scotland or Ireland: Provided also, that if either such eleventh or such fifteenth day shall happen to be a Sunday, Good Friday, or Christmas-day, it shall be sufficient if such notice of objection be delivered to the examiner of recognizances not later than twelve of the clock at noon of the following day.

xiii. That as soon as any such statement of objection shall be received by the examiner of recognizances he shall put up an acknowledgment thereof in some conspicuous part of his office, and shall appoint a day for hearing such objections not less than three and not more than five days from the day on which he shall have received such statement; and the petitioner or petitioners, and his or their agent, shall be allowed to examine and take copies of every such objection.

xiv. That at the time appointed the examiner of recognizances shall inquire into the alleged insufficiency of the surety or sureties objected to on the grounds stated in the notice of objection, but not on any other ground; and for the purpose of such inquiry the examiner of recognizances is hereby authorized to examine upon oath any persons who may be tendered by either party for examination by him, and also to receive in evidence any affidavit relating to the matter in dispute before him which shall be sworn before him, or before any Master of the High Court of Chancery, or Justice of the Peace, each of whom is hereby authorized to take and certify such affidavit; and the examiner of recognizances shall have power, if he shall think fit, to adjourn the said inquiry from time to time until he shall decide on the validity of such objection, and, if he shall think fit, to award costs to be paid by either party to the other, which costs shall be taxed and recovered as hereinafter provided for the costs and expenses of prosecuting or opposing election petitions; and the decision of the examiner of recognizances shall be final and conclusive against all parties.

xv. That if any surety shall die, and his death shall be stated as a ground of objection before the end of the time allowed for objecting to the sureties, it shall be lawful for the petitioner to pay into the Bank of England, on the account of the examiner of recognizances, the sum for which the deceased surety was bound; and upon the delivery of a bank receipt for such sum to the examiner of recognizances, within three days after the day on which the statement of such objection shall have been delivered to the examiner of recognizances, the sureties shall be deemed unobjectionable if no ground of objection shall be stated to any other of the sureties within the time before mentioned for stating objections to sureties.

xvi. That in case the examiner of recognizances shall have received any statement of objection to the sureties or any of them to any such election petition, and shall have decided that such sureties or any of them are objectionable, he shall forthwith report to the Speaker that such sureties are objectionable; but if he shall have decided that such sureties are unobjectionable, or in case he shall not have received any such statement of objection, then as soon as the time hereinbefore allowed for stating any such objection shall have elapsed after the presentation of the petition (or as soon thereafter as he shall have decided upon the statement of objection) the examiner of recognizances shall report to the Speaker that the sureties to such petition are unobjectionable; and he shall make out a list of all election petitions on which he shall have reported to the Speaker that the sureties are unobjectionable, in which list the petitions shall be arranged in the order in which they shall be so reported upon; and a copy of such list shall be kept in the office of the examiner of recognizances, and shall be open to the inspection of all parties concerned.

xvii. That it shall be competent to the petitioner or petitioners at any time after the presentation of the petition to withdraw the same, upon giving notice in writing under his hand or their hands, or under the hand of his or their agent, to the Speaker, and also to the sitting member or his agent, and also to any party who may have been admitted to oppose the prayer of such petition, that it is not intended to proceed with the petition; and in such case the petitioner or petitioners shall be liable to the payment of such costs and expenses as may have been incurred by the sitting member, and also by any party who may have been admitted to oppose the prayer of such petition, to be taxed as hereinafter provided.

xviii. That if at any time before the appointment of a select committee to try any such petition as hereinafter provided the Speaker of the House of Commons shall be informed, by a certificate in writing subscribed by two of the members of the said House, of the death of any sitting member whose election or return is complained of in such petition, or of the death of any member returned upon a double return, whose election or return is complained of in such petition, or that a writ of summons has been issued under the Great Seal of Great Britain to summon any such member to Parliament as a peer of Great Britain,

or if the House of Commons shall have resolved that the seat of any such member is by law become vacant, or if the House of Commons shall be informed, by a declaration in writing subscribed by any such member, and delivered to the Speaker within fourteen days after the day on which any such petition shall have been presented, that it is not the intention of such member to defend his election or return, in every such case notice thereof shall immediately be sent by the Speaker to the General Committee of Elections, and to the members of the chairmen's panel hereinafter mentioned, and also to the sheriff or other returning officer for the county, city, borough, district, or burghs, port or place, to which such petition shall relate; and such sheriff or other returning officer shall cause a true copy of such notice to be affixed on or near the door of the county hall or town hall, or the parish church nearest to the place where such election has usually been held; and such notice shall also be inserted, by order of the Speaker, in one of the next two *London Gazettes*, and shall be communicated by him to the House.

XIX. That at any time within fourteen days after the day on which any election petition shall have been presented, or within twenty-one days after the day on which any notice shall have been inserted in the *Gazette*, to the effect that the seat is vacant, or that the member returned will not defend his election or return, or if either of the said periods shall expire during a prorogation of Parliament, or during an adjournment of the House of Commons for the Easter or Christmas holidays, then on or before the second day on which the House shall meet after such prorogation or adjournment it shall be lawful for any person or persons claiming to have had a right to vote at the election to which the petition shall relate to petition the House of Commons, praying to be admitted as a party or parties to defend such return, or to oppose the prayer of such election petition; and such person or persons shall thereupon be admitted as a party or parties, together with the sitting member, if he be then a party against such petition, or in the room of such member, if he be not then a party against the petition, and shall be considered as such to all intents and purposes whatever; and every such petition shall be referred by the House to the General Committee of Elections hereinafter mentioned.

XX. That whenever the member whose election or return is so complained of in such petition shall have given notice as aforesaid of his intention not to defend the same, he shall not be afterwards allowed to appear or act as a party against such petition in any proceedings thereupon, and he shall also be restrained from sitting in the House of Commons, or voting on any question, until such petition shall have been decided upon.

XXI. That in the first session of every Parliament, on the day after the last day allowed by any order or resolution of the House of Commons then in force for questioning the returns of members to serve in Parliament, and in every subsequent session, as soon as conveniently may be after the commencement of the session, the Speaker of the House of Commons shall by warrant under his hand, appoint six members of the House, who shall be willing to serve, and against whose return no petition shall be then depending, and none of whom shall be a petitioner complaining of any election or return, to be members of a committee, which shall be called "The General Committee of Elections;" and every such warrant shall be laid on the table of the House, and, if not disapproved by the House in the course of the three next days on which the House shall meet for the despatch of business, shall take effect as an appointment for such General Committee.

XXII. That in case the House shall disapprove any such warrant the Speaker shall, on or before the third day on which the House shall meet after such disapproval, lay upon the table of the House a new warrant for the appointment of six members, qualified as aforesaid, and so from time to time until six members shall have been appointed by a warrant which shall not be disapproved by the House as aforesaid.

XXIII. That the disapproval of the warrant may be either general in respect of the constitution of the whole committee, or special in respect of any member or members named in the warrant.

XXIV. That the Speaker may, if he shall think fit, but shall not be bound to name in the second or any subsequent warrant all or any of the members named in any former warrant, whose appointment shall not have been specially disapproved by the House as aforesaid.

XXV. That after the appointment of the General Committee every member appointed shall continue to be a member of the committee until the end of that session of Parliament, or until he shall cease to be a member of the House of Commons, or until he shall resign his appointment, or until the General Committee shall report that he is disabled by continued illness from attending the committee, or until the committee shall be dissolved as hereinafter provided.

XXVI. That in every case of vacancy in the General Committee of Elections, the Speaker, on the first day on which the House shall meet after such vacancy shall be known by him, shall make known the vacancy to the House, and thereupon all proceedings of the General Committee shall be suspended until the vacancy shall be supplied as hereinafter provided.

XXVII. That in case the General Committee of Elections shall at any time report to the House of Commons that, by reason of the continued absence of more than two of its members, or by reason of irreconcilable disagreement of opinion, the said committee is unable to proceed in the discharge of its duties, or in case the House of Commons shall resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

XXVIII. That every appointment to supply a vacancy in the General Committee, and every re-appointment of the General Committee after the dissolution thereof, shall be made by the Speaker, by warrant under his hand, and laid upon the table of the House, on or before the third day on which the House shall meet after the dissolution of the committee, or notification of the vacancy (as the case may be); and the warrant shall be subject to the disapproval of the House, in the like manner as is hereinbefore provided in the case of the first warrant for the appointment of the General Committee; and upon any re-appointment of the General Committee, the Speaker may re-appoint as many members of the former committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

XXIX. That the Speaker shall appoint the time and place of the first meeting of the General Committee of Elections, and the committee shall meet at the time and place so appointed; but no member appointed or re-appointed to be of the General Committee of Elections shall act upon such committee until he shall have been sworn at the table of the House, by the clerk.

truly and faithfully to perform the duties belonging to a member of the said committee, without fear or favour, to the best of his judgment and ability.

XXX. That no business shall be transacted by or before the General Committee of Elections unless at the least four members of the General Committee shall be then present together; and no appointment of a select committee by the General Committee, to be made as hereinafter provided, shall be of force unless at the least four members then present of the said General Committee shall agree in the appointment.

XXXI. That, subject to the provisions of this Act, the said committee shall make regulations for the order and manner of conducting business to be transacted by and before them.

XXXII. That the General Committee shall be attended by one of the committee clerks of the House, who shall be selected by the clerk of the House of Commons for the time being, and shall make a minute of all the proceedings of the committee, in such form and manner as shall be from time to time directed by the committee; and a copy of the minutes so kept shall be laid from time to time before the House of Commons.

XXXIII. That if, at the time of the dissolution or suspension of all the proceedings of the General Committee of Elections, there shall be any business appointed to be transacted by or before such General Committee on any certain day, it shall be lawful for the Speaker to adjourn the transaction of such business to such other day as to the Speaker shall seem convenient, and so as often as the case may happen.

XXXIV. That every member who shall be more than sixty years old shall be wholly excused from serving on election committees; provided that on or before the reading over of the names of such excused members as hereinafter mentioned, or upon his afterwards becoming entitled to make such claim, he shall claim to be excused by declaring in his place, or in writing under his hand, to be delivered to the clerk at the table, that he is more than sixty years old; but no member shall be so excused who shall not claim to be excused before he shall be chosen to serve as hereinafter provided.

XXXV. That in the first session of every Parliament on the next meeting of the House after the last day allowed for questioning returns of members to serve in Parliament, and in every subsequent session on the next meeting of the House after the Speaker shall have laid on the table of the House his warrant for the appointment of the General Committee of Elections, the clerk of the House of Commons shall read over the names of all the members who shall so have claimed to be excused.

XXXVI. That every member who shall have leave of absence from the House shall be excused from serving on election committees during such leave; and if any member in his place shall offer any other excuse, either at the reading over the said names or at any other time, the substance of the allegations shall be taken down by the clerk, in order that the same may be afterwards entered on the journals, and the opinion of the House shall then be taken thereon; and if the House shall resolve that the said member ought to be excused, he shall be excused from serving on election committees for such time as to the House shall seem fit, but no member shall be so excused who shall not claim to be excused before he shall be chosen to serve as hereinafter provided; and every member who shall have served on one select committee for trying an election petition, and who, within seven days after such committee shall have made its final report to the House, shall notify to the clerk of the General Committee his claim to be excused from so serving again, shall be excused during the remainder of the session, unless the House shall at any time resolve, upon the report of the General Committee, that the number of members who have not so served is insufficient; but no member shall be deemed to have served on an election committee who, on account of inability or accident, shall have been excused from attending the same throughout.

XXXVII. That every member whose return shall not have been brought in for a time exceeding that allowed for questioning the returns of members, or who shall be a petitioner complaining of an undue election or return, or against whose return a petition shall be then depending, shall be disqualified to serve on election committees during the continuance of such ground of disqualification; and every member of any select committee appointed to try an election petition shall be disqualified to serve again on an election committee during seven days after the final report of the committee on which he so served.

XXXVIII. That the clerk of the House of Commons shall make out an alphabetical list of all the members, omitting the names of such members as shall have claimed to be wholly excused from serving on election committees as aforesaid; and the clerk shall also distinguish in such list the name of every member who shall be for a time excused or disqualified, and shall also note in the list every cause of such temporary excuse or disqualification, and the duration thereof; and such list shall be printed and distributed with the votes of the House, and the names of all the members so omitted shall be also printed and distributed with the votes.

XXXIX. That during three days next after the day of the distribution of such corrected list further corrections may be made in such list by leave of the Speaker, if it shall appear that any name has been improperly left in or struck out of such list, or that there is any other error in such list.

XL. That the list so finally corrected shall be referred to the General Committee of Elections, and the General Committee shall thereupon select, in their discretion, six, eight, ten, or twelve members, whom they shall think duly qualified, to serve as chairmen of election committees; and the members so selected shall be formed into a separate panel, to be called the chairmen's panel, which shall be reported to the House; and while the name of any member shall be upon the chairmen's panel he shall not be liable or qualified to serve on an election committee, otherwise than as chairman; and every member who shall have been placed on the chairmen's panel shall be bound to continue upon it until the end of the session, or until he shall sooner cease to be a member of the House, or until, by leave of the House, he shall be discharged from continuing upon the chairmen's panel: Provided always, that every member of the chairmen's panel, who shall have served on one or more election committees, and who shall notify to the clerk of the General Committee of Elections his claim to be discharged from continuing upon the chairmen's panel, shall be so discharged accordingly; and every such member shall be excused from serving upon any election committee, either as chairman or otherwise, during the remainder of the session; but no member

of the chairmen's panel shall be deemed to have served on an election committee who, on account of inability or accident, shall have been excused from attending the same throughout.

XLII. That after the chairmen's panel shall have been so as aforesaid selected the General Committee shall divide the members then remaining on such list into five panels, in such manner as to them shall seem most convenient, but so nevertheless that each panel may contain as nearly as may be the same number of members, and shall report to the House the division so made by them; and the clerk shall decide by lot at the table the order of the panels as settled by the General Committee, and shall distinguish each of them by a number denoting the order in which they shall have been drawn; and the panels shall then be returned to the General Committee of Elections, and shall be the panels from which all members shall be chosen to serve on election committees.

XLIII. That the General Committee of Elections shall correct the said panels from time to time by striking out of them the name of every member who shall cease to be a member of the House, or who from time to time shall become entitled and shall claim as aforesaid to be wholly excused from serving on election committees, and by inserting in one of the panels to be chosen by the General Committee, at their discretion, the name of every new member of the House who shall not be entitled and claim as aforesaid to be wholly excused, and shall also from time to time distinguish, in the manner aforesaid, in the said panels the names of those members who shall be for a time excused or disqualified for any of the reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said panels to the House they shall be printed and distributed with the votes of the House.

XLIV. That when leave of absence for a limited time shall have been granted by the House to any member, it shall be lawful for the General Committee of Elections to transfer the name of such member from the panel in which it shall have been placed to some other panel subsequent in rotation, if they shall think fit so to do, having regard to the length of time for which such leave of absence shall have been granted, and to the number of select committees then about to be appointed.

XLV. That whenever any member of the chairmen's panel shall cease to be a member of the House, or shall be, by leave of the House, discharged from continuing upon the chairmen's panel, or shall be so discharged by reason of service, under the provisions hereinbefore contained, the General Committee shall forthwith select another member to be placed upon the chairmen's panel in his room; and in case it shall at any time appear to the General Committee that the chairmen's panel is too small, it shall be lawful for the General Committee to select two, four, or six additional members to place upon it, so nevertheless that the chairmen's panel shall not at any time consist of more than eighteen members, without the leave of the House first obtained.

XLVI. That it shall be lawful for the members who are upon the chairmen's panel from time to time to make such regulations as they may find convenient for securing the appointment or selection of chairmen of election committees, and for distributing the duties of chairman among all of them.

XLVII. That all election petitions which shall be received by the House shall be referred by the House to the General Committee of Elections, for the purpose of choosing select committees, as hereinafter provided, to try such petitions; and the Speaker shall communicate to the House and the General Committee every report by the examiner of recognizances to him concerning the sureties to any election petition; and in every case in which any election petition shall be withdrawn or the examiner of recognizances shall have reported to the Speaker that the sureties are objectionable, the order for referring such petition to the General Committee of Elections shall be discharged, and no further proceeding shall be had upon such petition; and the general committee shall make out a list of all election petitions in which the examiner of recognizances shall have reported to the Speaker that the sureties are unobjectionable, and in which the proceedings are not suspended, in which list the petitions shall be arranged in the order in which they shall have been so reported upon; and in every case in which the proceedings in any petition inserted in such list shall be afterwards suspended the petition shall be struck out of the list, and shall be again inserted at the bottom of the list at the end of such suspension of proceedings.

XLVIII. That when notice of the death or vacancy of the seat of any member petitioned against, or that it is not the intention of such member to defend his election or return, shall be given to the General Committee of Elections by the Speaker as hereinbefore provided, the General Committee shall suspend their proceedings in the matter of the petition referred to in such notice until twenty-one days after the day on which notice of such death or vacancy, or intention not to defend, shall have been inserted in the Gazette under the provision hereinbefore contained, unless the petition of some person or persons claiming to be admitted as a party or parties in the room of such member shall be sooner referred to them.

XLIX. That when more than one election petition relating to the same election or return shall be referred to the General Committee of Elections they shall suspend their proceedings in the matter of all such petitions until the report of the examiner of recognizances upon each of such petitions, or such of them as shall not have been withdrawn, shall be received by them; and upon receipt of the last of such reports they shall place such petitions at the bottom of the then list of election petitions, bracketed together, and such petitions shall afterwards be dealt with as one petition.

L. That the General Committee of Elections shall choose the committees to try the election petitions standing in the said list of petitions in the order in which such petitions stand in the said list, and they shall from time to time determine how many committees shall be chosen in each week for trying such petitions, and the day or days on which they will meet for choosing such committees, having regard to the number of select committees which may then be sitting for the trial of election petitions, and to the whole number of such committees then to be appointed; and they shall report to the House from time to time the days appointed by them for choosing such committees.

L. That notice of the time and place at which the committee will be chosen to try any election petition shall be published with the votes, not less than fourteen days before the day on which such committee shall be appointed to be chosen; and in case the conduct of the returning officer is complained of, such notice shall be sent to him through the post, not less

than fourteen days before the day on which such committee shall be appointed to be chosen; and every such notice shall direct all parties interested to attend the General Committee of Elections, by themselves, their counsel or agents, at the time and place appointed for choosing the select committee; and if (after any such notice shall have been published with the votes, or sent to the returning officer as aforesaid,) the proceedings in the matter of such petition shall become suspended, notice of such suspension shall be immediately published with the votes; and in case the conduct of the returning officer is complained of such notice shall be sent to him through the post.

LII. Provided and enacted, That in case notice of the death or vacancy of the seat of any member petitioned against or that it is not the intention of such member to defend his election or return, shall have been inserted in the Gazette, by order of the Speaker as hereinbefore provided, and no party shall have been admitted to defend such election or return, then, if the conduct of the returning officer is not complained of in such petition, it shall not be necessary to insert such petition at the bottom of the then list of petitions, but the General Committee of Elections shall meet for choosing the select committee to try such petition as soon as conveniently may be after the expiration of the time allowed for parties to come in to defend such election or return, as hereinbefore provided; and not less than one day's notice of the time and place appointed for choosing such committee shall be given in the votes.

LIII. That it shall be lawful for the General Committee of Elections to change the day and hour appointed by them for choosing a select committee to try any election petition, and to appoint some subsequent day and hour for the same, if it shall in their judgment be expedient so to do, giving notice in the votes of the day and hour so subsequently appointed; and in every case in which any such change shall be made by them they shall forthwith report the same to the House, with their reasons for making such change.

LIII. That notice shall be published with the votes of the petitions appointed for each week, and of the panel from which committees will be chosen to try such petitions.

LIV. That in all cases of controverted elections or returns of members to serve in Parliament all the parties complaining of or defending such elections or returns shall, by themselves or their agents, deliver in to the clerk of the General Committee lists of the voters intended to be objected to, giving in the said lists the several heads of objections, and distinguishing the same against the names of the voters excepted to, not later than six of the clock in the afternoon on the sixth day next before the day appointed for choosing the committee to try the petition complaining of such election or return; and the said clerk shall keep the lists so delivered to him in his office, open to the inspection of all parties concerned.

LV. That the General Committee shall meet at the time appointed for choosing the committee to try any election petition, and shall choose from the panel then standing next in order of service, exclusive of the chairmen's panel, four members, not being then excused or disqualified for any of the causes aforesaid, and who shall not be specially disqualified for being appointed on the committee to try such petition for any of the following causes; (that is to say,) by reason of having voted at the election, or by reason of being the party on whose behalf the seat is claimed, or related to the sitting member or party on whose behalf the seat is claimed, by kindred or affinity in the first or second degree according to the canon law; and each panel shall serve for a week, beginning with the panel first drawn and continuing by rotation in the order in which they were drawn, and not reckoning those weeks in which no select committee shall be appointed to be chosen.

LVI. That in case at the least four members then present of the General Committee of Elections shall not agree in choosing a committee to try any petition appointed for that day, the General Committee shall adjourn the choosing of that committee and of the remaining committees appointed to be chosen on that day to the following day, and the parties shall be directed to attend on the following day, or if such following day shall happen during an adjournment of the House then on the day to which the House shall stand adjourned, and so from day to day until all such committees shall be chosen, or until the General Committee of Elections shall be dissolved, as hereinbefore provided; and the General Committee shall not in any case proceed to choose a committee to try an election petition until they shall have chosen a committee to try every other election petition standing higher in the list aforesaid, the order for referring which shall not be then discharged, except in the case where the day originally appointed for choosing a committee shall have been changed under the provision hereinbefore contained.

LVII. That on the day appointed by the General Committee to choose a committee to try an election petition the members who are upon the chairmen's panel shall select one of such members to act as the chairman of such election committee, and when they shall have been informed by the General Committee that four members of such election committee have been chosen, they shall communicate the name of the member so selected by them to the General Committee, but no member shall be so selected who would be disqualified from serving on such committee if not upon the chairmen's panel: Provided always, that if, with reference to any petition for trying which they are about to appoint a chairman, the members of the chairmen's panel shall receive notice from the Speaker, under the provision hereinbefore contained, of the death or vacancy of the seat of the sitting member petitioned against in such petition, or that it is not his intention to defend his seat, the members of the chairmen's panel shall suspend their proceedings with regard to the appointment of a chairman to try such petition until the day appointed by the General Committee of Elections for selecting a committee to try such petition.

LVIII. That as soon as the General Committee of Elections shall have chosen four members of a committee to try any such petition, and shall have received from the members of the chairmen's panel the name of a chairman to serve on such committee, the parties in attendance shall be called in, and the names of the members so chosen and of the chairman shall be read over to them.

LIX. That after hearing the said names the parties present shall be directed to withdraw, and the General Committee may proceed to choose another committee to try the next petition appointed for that day, and so on until all the committees appointed to be chosen on that day shall be chosen, or until the choosing of any committee shall be adjourned as aforesaid; and after any such adjournment the General Committee shall not transact any more business on that day, except with regard to those petitions for trying which committees shall have been previously chosen.

LX. That within one half hour at furthest from the time when the parties to any election petition shall have withdrawn, or if the parties to any other election petition shall then be before the General Committee of Elections, then after such other parties shall have withdrawn, the parties in attendance shall be again called before the General Committee, in the same order in which they were directed to withdraw; and the petitioners and sitting member or members, or such party as may have been admitted as aforesaid to defend the return or right of election, their counsel or agents, beginning on the part of the petitioners, may object to all or any of the members chosen, or to such chairman, as being then disqualified or excused, for any of the reasons aforesaid, from serving on the committee for the trial of that election petition, but not for any other reason.

LXI. That if at the least four members then present of the General Committee shall be satisfied that any member so objected to is then disqualified or excused for any of the reasons aforesaid, the parties present shall be again directed to withdraw, and the General Committee shall proceed to choose another committee from the same panel to try that petition, or if the member to whom any such objection shall be substantiated be the chairman, they shall send back his name to the members on the chairman's panel, and the members on the chairman's panel shall proceed to choose another chairman to try that petition, and shall communicate his name to the General Committee, and so as often as the case may happen.

LXII. That in the second or any following committee the General Committee may, if they shall think fit, include all or any of the members previously chosen by them to whom no objection shall have been substantiated; and no party shall be allowed to object to any member who may be included in the second or any following committee who was not objected to when included in the committee first chosen to try that petition.

LXIII. That when four members and a chairman shall have been chosen, to none of whom any objection shall have been substantiated, the clerk of the General Committee of Elections shall give notice thereof in writing to each of the members as chosen by the General Committee; and with every such notice shall be sent a notice of the general and special grounds of disqualification and excuse from serving which are hereinbefore mentioned, and of the time and place when and where the General Committee will meet on the following day; and notice of the time and place of such meeting shall be published with the votes.

LXIV. That the General Committee shall meet on the following day at the time and place mentioned in such notice as last aforesaid; and if any such member shall then and there prove, to the satisfaction of at least four members then present of the General Committee, that for any of the reasons aforesaid he is disqualified or excused from serving on the committee for which he shall have been so chosen, or if any such member shall prove, to the satisfaction of at least four members then present of the General Committee, that there are any circumstances in his case which render him ineligible to serve on such select committee, such circumstances having regard not to his own convenience but solely to the impartial character of the tribunal, the General Committee shall proceed to choose a new committee to try that petition, in like manner as if that member had been objected to by any party to the petition; and if within the space of one quarter of an hour after the time mentioned in the notice no member shall so appear, or if any member so appearing shall not prove his disqualification or excuse, to the satisfaction of at least four members then present of the General Committee, the select committee shall be taken to be appointed.

LXV. That at the meeting of the House of Commons for the despatch of business next after any such select committee shall be appointed, the members chosen, including the chairman, shall attend in their places, and the General Committee of Elections shall report to the House the names of the select committee appointed, and shall annex to such report all petitions referred to them by the House which shall relate to the return or election of which such select committee is appointed to try the merits, and all lists of voters which shall have been delivered to them by either party; and the members chosen to be of the said select committee shall not depart the House till the time for the meeting of such select committee shall be fixed.

LXVI. That the five members appointed as hereinbefore is mentioned shall, before departing the House, be sworn at the table, by the clerk, well and truly to try the matter of the petitions referred to them, and a true judgment to give according to the evidence, and shall be taken to be a select committee legally appointed to try and determine the merits of the return or election so referred by the House to them; and the member so appointed from the chairman's panel shall be the chairman of such committee.

LXVII. That if any member of the said select committee shall not attend in his place within one hour after the meeting of the House on the day appointed for swearing the said committee, or if after attending any member shall depart the House, before the said committee shall be sworn, unless the committee shall be discharged, or the swearing of the said committee shall be adjourned as hereinafter provided, he shall be ordered to be taken into the custody of the serjeant-at-arms attending the House for such neglect of his duty, and shall be otherwise punished or censured, at the discretion of the House, unless it shall appear to the House by facts specially stated, and verified upon oath, that such member was by a sudden accident or by necessity prevented from attending the House.

LXVIII. That if any such absent member shall not be brought into the House within three hours after the meeting of the House on the day first appointed for swearing the said committee, and if no sufficient cause shall be shewn to the House before its rising whereon the House shall dispense with the attendance of such absent member, the swearing of the committee shall be adjourned to the next meeting of the House; and all the members of the said committee shall be bound to attend in their places for the purpose of being sworn at the next meeting of the House, in like manner as on the day first appointed for that purpose.

LXIX. That if on the day to which the swearing of the said committee shall be so adjourned all the members of the committee shall not attend and be sworn, within one hour after the meeting of the House, or if on the day first appointed for swearing the said committee sufficient cause shall be shewn to the House before its rising why the attendance of any member of the committee should be dispensed with, the said committee shall be taken to be discharged, and the General Committee shall meet on the following day, or if such following day shall happen during an adjournment of the House, then on the day to which the House shall stand adjourned, and shall proceed to choose a new committee from the panel on service for the time being in the manner hereinbefore provided, and notice of such meeting shall be published with the votes.

LXX. That the House shall refer the petitions and lists entered to the report of the General Committee of Elections to the select committee so appointed and sworn, and shall order the said select committee to meet at a certain time, to be fixed by the House, which shall be within twenty-four hours of their being sworn at the table of the House, unless a Sunday, Christmas Day, or Good Friday shall intervene; and the place of their meeting shall be some convenient room or place adjacent to the House of Commons properly prepared for that purpose.

LXXI. That every such select committee shall sit from day to day, Sunday, Christmas Day, and Good Friday only excepted, and shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas Day, or Good Friday intervene, and in such case, not for more than twenty-four hours, exclusive of such Sunday, Christmas Day, or Good Friday, without leave first obtained from the House, upon motion, and special cause assigned for a longer adjournment; and in case the House shall be sitting at the time to which such select committee is adjourned, then the business of the House shall be stayed, and a motion shall be made for a further adjournment for any time to be fixed by the House: Provided always, that if such select committee shall have occasion to apply or report to the House, and the House shall be then adjourned for more than twenty-four hours, such select committee may also adjourn to the day appointed for the meeting of the House.

LXXII. That no member appointed as aforesaid to be of any such select committee shall absent himself from the same without leave obtained from the House, or an excuse allowed by the House at the next sitting thereof, for the cause of sickness, verified upon the oath of his medical attendant, or for other special cause shewn, and verified upon oath; and in every such case the member to whom such leave shall be granted or excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on the said committee; and such select committee shall never sit until all the members to whom such leave has not been granted, nor excuse allowed, are met; and in case all such members shall not meet within one hour after the time appointed for the first meeting of such select committee, or within one hour after the time to which such select committee shall have been adjourned, a further adjournment shall be made, and reported by their chairman, with the cause thereof, to the House.

LXXIII. That every member whose absence without leave or excuse shall be so reported shall be directed to attend the House at its next sitting, and shall then be ordered to be taken into the custody of the serjeant-at-arms attending the House for such neglect of his duty, and shall be otherwise punished or censured, at the discretion of the House, unless it shall appear to the House, by facts specially stated, and verified upon oath, that such member was by a sudden accident or by necessity prevented from attending the said select committee.

LXXIV. That the committee shall not be dissolved by reason of the death or necessary absence of one member or two members thereof only, but the remaining members shall thenceforward constitute the committee; and in case there shall ever be occasion for electing a new chairman on the death or necessary absence of the chairman first appointed, the remaining members of the committee shall elect one of themselves to be chairman, and if in that election there shall be an equal number of voices, the member whose name stands foremost in the list of the committee, as reported to the House, shall have a second or casting vote.

LXXV. That in case the number of members able to attend any such select committee shall be, by death or otherwise, unavoidably reduced to less than three, and shall so continue for the space of three sitting days, such select committee shall be dissolved (except in the case hereinafter provided), and another shall be appointed to try such petition in manner aforesaid; and the General Committee and members of the chairmen's panel shall meet for that purpose as soon as conveniently may be after the occasion shall have arisen, at a day and hour to be appointed by the General Committee, and notice of such meeting shall be published with the votes; and all the proceedings of such former committee shall be void and of no effect: Provided always, that if all the parties before the committee shall consent thereto the two remaining members of the committee, or the sole remaining member if only one, shall continue to act, and shall thenceforward constitute the committee.

LXXVI. That every such committee shall be attended by a person skilled in the art of writing shorthand, who shall be specially appointed by the clerk of the House of Commons for the time being, and sworn by the chairman faithfully and truly to take down the evidence given before such committee, and from day to day, as occasion may require, to write or cause the same to be written in words at length for the use of the committee.

LXXVII. That every such select committee shall have power to send for persons, papers, and records, and to examine any person who may have subscribed the petition which such select committee shall have been appointed to try, unless it shall otherwise appear to such committee that such person is an interested witness, and shall examine all the witnesses who come before them upon oath, which oath the clerk attending such select committee is hereby empowered to administer; and if any person summoned by such select committee, or by the warrants of the Speaker of the House of Commons (which warrants the Speaker is hereby authorized to issue from time to time as he shall think fit), shall disobey such summons, or if any witness before such select committee shall give false evidence, or perjure, or shall otherwise misbehave in giving or refusing to give evidence, the chairman of such select committee, by their direction, may at any time during the course of their proceedings report the same to the House for the interposition of the authority or censure of the House, as the case may require, and may, by a warrant under his hand directed to the serjeant-at-arms attending the House of Commons, or to his deputy or deputies, commit such person (not being a peer of the realm or lord of Parliament) to the custody of the said serjeant, without bail or mainprize, for any time not exceeding twenty-four hours, if the House shall then be sitting, and if not, then for a time not exceeding twenty-four hours after the hour to which the House shall then be adjourned.

LXXVIII. That where in this Act anything is required to be verified on oath to the House of Commons, it shall be lawful for the clerk of the House of Commons to administer an oath for that purpose, or an affidavit for such purpose may lawfully be sworn before any Justice of the Peace or Master of the High Court of Chancery.

LXXIX. That every person who shall wilfully give any false evidence before the House of Commons, or any committee or chamber of recognizances, under the provisions of this Act, or who shall wilfully swear falsely in any affidavit authorized by this Act to be taken, shall, on conviction thereof, be liable to the penalties of wilful and corrupt perjury.

LXXX. That no evidence shall be given before the select committee, or before any commission issued by the said committee, against the validity of any vote not included in one of the lists of voters delivered to the General Committee as aforesaid, or upon any head of objection to any voter included in any such list other than one of the heads specified against him in such list.

LXXXI. That every such select committee shall try the merits of the return or election, or both, and shall determine by a majority of voices, if for the time being consisting of more than one member, whether the petitioners or the sitting members, or either of them, be duly returned or elected, or whether the election be void, or whether a new writ ought to issue, which determination shall be final between the parties to all intents and purposes; and the House, on being informed thereof by the committee, shall order such report to be entered in their journals, and shall give the necessary directions for confirming or altering the return, or for ordering a return to be made, or for issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

LXXXII. That if any such select committee shall come to any resolution other than the determination above mentioned they shall, if they think proper, report the same to the House for their opinion at the same time that they shall inform the House of such determination, and the House may confirm or disagree with such resolution, and make such orders thereon as to them shall seem proper.

LXXXIII. That whenever any such select committee shall think it necessary to deliberate among themselves upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of the petition referred to them as aforesaid, as soon as they shall have heard the evidence and counsel on both sides relative thereto, the room or place in which they shall sit shall be cleared, if they shall think proper, whilst the members of the committee consider thereof.

LXXXIV. That all questions before the committee, if for the time being consisting of more than one member, shall be decided by a majority of voices, and whenever the voices shall be equal the chairman shall have a second or casting voice.

LXXXV. That whenever the select committee shall be divided upon any question the names of the members voting in the affirmative and in the negative shall be entered in the minutes of the said committee, and shall be reported to the House, with the questions on which such divisions arose, at the same time with the final report of the committee; and no member of the committee shall be allowed to refrain from voting on any question on which the committee shall be divided.

LXXXVI. That whenever it shall happen that Parliament shall be prorogued after any petition complaining of an undue election or return, or of the omission to return, shall have been presented, but before the appointment of a select committee to try such petition, the General Committee of Elections shall, within two days after their first meeting, in case the surties shall have been then reported unobjectionable, appoint a day and hour for selecting a committee or committees to try the petition or petitions so standing over as aforesaid: Provided always, that if the number of petitions so standing over as aforesaid shall be so great that the times for selecting committee of elections be conveniently appointed within two days after their first meeting, the said General Committee shall, within two days after their first meeting, appoint the times for selecting committees to try such number of the said petitions as the said General Committee shall deem convenient, and shall afterwards from time to time, as soon as conveniently may be, appoint the times for selecting the committees to try the remainder of such petitions.

LXXXVII. That if the Parliament shall be prorogued after the appointment of any select committee for the trial of any such petition as aforesaid, and before they shall have reported to the House their determination thereon, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock on the day immediately following that on which Parliament shall meet again for the despatch of business (Sunday, Good Friday, and Christmas Day always excepted); and all proceedings of such committee, and of any commission to take evidence issued under the authority of such committee, shall remain and continue to be of the same force and effect as if Parliament had not been so prorogued; and such committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforth continue to sit from day to day in the manner hereinbefore provided, until they shall have reported to the House their determination on the merits of such petition.

LXXXVIII. That whenever any committee appointed to try an election petition shall report to the House with respect to any such petition that the same appeared to them frivolous or vexatious, the party or parties, if any, who shall have appeared before the committee in opposition to such petition shall be entitled to recover from the person or persons, or any of them, who shall have signed such petition, the full costs and expenses which such party or parties shall have incurred in opposing the same, such costs and expenses to be ascertained in the manner hereinafter directed.

LXXXIX. That whenever such committee shall report to the House, with respect to the opposition made to such petition by any party or parties who shall have appeared before them, that such opposition appeared to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties, or any of them, with respect to whom such report shall be made, the full costs and expenses which such petitioner or petitioners shall respectively have incurred in prosecuting their petition, such costs and expenses to be ascertained in the manner hereinafter directed.

xc. That whenever no party shall have appeared before any such committee in opposition to such petition, and such committee shall report to the House, with respect to the election or return, or to the alleged omission of a return, or to the alleged insufficiency of a return, complained of in any such petition, that the same appeared to them to be vexatious or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member or sitting members (if any) whose election or return shall be complained of in such petition (such sitting member or sitting members not having given notice as aforesaid of his or their intention not to defend the same), or from any other person or persons whom the House shall have admitted or directed to be made a party or parties to oppose such petition, the full costs and expenses which

such petitioner or petitioners shall have incurred in prosecuting their petition, such costs and expenses to be ascertained in the manner hereinafter directed.

xcI. That if any ground of objection shall be stated against any voter in any list of votes intended to be objected to as hereinbefore provided, and if such select committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report the same to the House of Commons, together with their opinion on the other matters relating to the said petition, and the opposite party shall in such case be entitled to recover, from the party or parties by whom or on whose behalf any such objections were made, the full costs and expenses incurred by reason of such frivolous or vexatious objections, which costs and expenses shall be ascertained and recovered in the same manner and form as is hereinafter provided for the recovery of costs and expenses in cases of frivolous or vexatious petitions.

xcII. That if either party shall make before the said select committee any specific allegation with regard to the conduct of the other party or his agents, and shall either bring no evidence in support thereof, or such evidence that the committee shall be of opinion that such allegation was made without any reasonable or probable ground, it shall be lawful for the committee to make such orders as to them shall seem fit for the payment, by the party making such unfounded allegation to the other party, of all costs and expenses which shall have been incurred by reason of such unfounded allegation, which costs and expenses shall be ascertained and recovered in the same manner and form as is hereinafter provided for the recovery of costs and expenses in cases of frivolous and vexatious petitions.

xcIII. That the costs and expenses of prosecuting or opposing or preparing to oppose any petition presented under the provisions of this Act, and the costs and expenses which shall be due and payable to any witness summoned to attend before the examiner of recognizances, or before any committee, under the provisions of this Act, shall be ascertained in manner following; (that is to say,) on application made to the Speaker of the House of Commons by any such petitioner, party, or witness for ascertaining such costs and expenses, not later than three calendar months after the determination of the merits of such petition, or after any order of the House for discharging the order of reference of such petition to the General Committee of Elections, or after the withdrawal of any petition, as hereinbefore provided, the Speaker shall direct the same to be taxed by the examiner of recognizances; and the said examiner shall examine and tax such costs and expenses, and shall report the amount thereof, together with the name of the party or parties liable to pay the same, and the name or names of the party or parties entitled to receive the same, to the Speaker, who shall, upon application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs and expenses allowed in such report, with the name of the party liable to pay the same, and the name of the party entitled to receive the same; and such certificate so signed by the Speaker shall be conclusive evidence, as well of the amount of such demands as of the title of the several parties to recover the same, in all cases and for all purposes whatsoever; and the party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same.

xcIV. That the examiner of recognizances is empowered to examine upon oath any party claiming any such costs or expenses, and any witnesses tendered to him for examination, and to receive affidavits sworn before him, or before any Master of the High Court of Chancery, or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such costs or expenses, or the taxation or non-payment thereof.

xcV. That it shall be lawful for the party or parties entitled to such taxed costs and expenses, or for his, her, or their executors or administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons herein made liable to the payment thereof in the several cases hereinbefore mentioned, and in case of non-payment thereof to recover the same by action of debt in any of Her Majesty's courts of record at Westminster or Dublin, or in the court of session in Scotland, in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them in the sum mentioned in the said certificate; and the said plaintiff or plaintiffs shall, upon filing the said declaration, together with the said certificate and affidavit of such demand as aforesaid, be at liberty to sign judgment as for want of plea by *nil dicit*, and take out execution for the said sum so mentioned in the said certificate, together with the costs of the said action, according to due course of law: Provided always, that the validity of such certificate (the handwriting of the Speaker thereunto being duly verified) shall not be called in question in any court upon the allegation of any matter or thing anterior to the date thereof.

xcVI. That in every case it shall be lawful for any person or persons from whom the amount of such costs and expenses shall have been so recovered to recover in like manner from the other persons, or any of them (if such there shall be), who are liable to the payment of the same costs and expenses, a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

xcVII. That if any person or persons who shall have subscribed an election petition shall neglect or refuse, for the space of seven days after demand, to pay to any witness who shall have been summoned on his or their behalf before the examiner of recognizances, or any committee, under the provisions of this Act, the sums so certified as aforesaid by the Speaker to be due to such witness, or if such petitioner or petitioners shall neglect or refuse, for the space of six months after demand, to pay to any party who shall appear in opposition to the said petition the sum so certified by the Speaker as aforesaid to be due to such party for their costs or expenses, and if such neglect or refusal shall, within one year after the granting of such certificate, be proved to the Speaker's satisfaction, by affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such oath, and is authorized and required to certify such affidavit under his hand,) in every such case every person who shall have entered into a recognizance relating to such petition under the provisions hereinbefore contained shall be held to have made default in his said recognizance; and the Speaker of the House of Commons shall thereupon certify such recognizance into the Court of Exchequer, and shall also certify that such person or persons have made default therein, and such certificate shall be conclusive evidence of such default; and the recognizance, being so certified, shall be delivered by the clerk or one of the clerks assistant of the House of Commons into the hands of the Lord Chief Baron of the Court of

Exchequer, or of one of the Barons of the Exchequer, or of such officer as shall be appointed by the Court to receive the same, and shall have the same effect as if the same were estreated from a court of law; and the validity thereof (the handwriting of the Speaker to such certificate being duly verified) shall not be called in question upon the allegation of any matter anterior to the date of such certificate.

xcviii. That if any sheriff or other returning officer or officers shall wilfully delay, neglect, or refuse duly to return any person who ought to be returned to serve in Parliament for any county, city, borough, district of burghs, port, or place within Great Britain or Ireland, such person may, in case it shall have been determined by a select committee appointed in the manner hereinbefore directed that such person was entitled to have been returned, sue the sheriff or other officer or officers having so wilfully delayed, neglected, or refused duly to make such return at his election, in any of Her Majesty's courts of record at Westminster or Dublin, or in the court of session in Scotland, and shall recover double the damages he shall sustain by reason thereof, together with full costs of suit, provided such action is commenced within one year after the commission of the Act on which it is grounded, or within six months after the conclusion of any proceedings in the House of Commons relating to such election.

xcix. That this Act shall commence and take effect from the end of this present session of Parliament.

c. That if at the close of the present session of Parliament there shall be any election petition or petitions before the House, the order for taking which into consideration shall not have been discharged, and for trying which no committee or committees shall have been appointed, such election petition or petitions shall, in case the sureties relating thereto shall have been reported unobjectionable, be tried by a committee or committees to be chosen under the provisions of this Act, and shall be referred to the General Committee of Elections before any petition presented in the next session, and the General Committee shall, within two days after their first meeting, appoint a day and hour for selecting a committee to try every such petition; and the recognizances entered into in respect of such petitions shall be taken to remain in force for securing payment of all costs and expenses which the petitioners shall be liable to pay under the provisions of this Act: Provided always, that if the Parliament shall be prorogued after the appointment of a select committee for the trial of any such petition as aforesaid, and before they shall have reported to the House their determination thereon, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock on the day immediately following that on which Parliament shall meet again for the despatch of business (Sunday, Good Friday, and Christmas Day always excepted); and all proceedings of such committee, and of any commission to take evidence issued under the authority of such committee, shall remain and continue to be of the same force and effect as if Parliament had not been so prorogued, and as if the Act, 4 & 5 Vict. c. 58, intituled, 'An Act to amend the Law for the Trial of controverted Elections,' had continued in force; and such committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforward continue to sit from day to day in the manner provided in the last-mentioned Act, until they shall have reported to the House their determination on the merits of such petition; and all further proceedings shall be had, with reference to such petition, as if the said last-mentioned Act had continued in force.

ci. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Recognizance.

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ before me *A. B.* (Examiner of Recognizances for the House of Commons) [or One of Her Majesty's Justices of the Peace for the County of _____], came *C. D.* of, &c., *E. F.* of, &c., *G. H.* of, &c., *I. K.* of, &c., and *L. M.* of, &c., and severally acknowledged themselves to owe to our Sovereign Lady the Queen the following sums: (that is to say,) the said *C. D.* the Sum of One Thousand Pounds, and the said *E. F.* the Sum of _____ Pounds, [the said *G. H.* the Sum of _____ Pounds, the said *I. K.* the Sum of _____ Pounds, and the said *L. M.* the Sum of _____ Pounds,] to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if the said *C. D.* and *X. Y.*, (*the other petitioner, if any*), or either of them, shall well and truly pay all Costs and Expenses which any Committee of the House of Commons selected to try the Matter of the Petition signed by the said *C. D.* and *X. Y.* (complaining of an undue Election or Return for the [here state the Place]) [or (complaining that no return has been made for the said _____ within the time limited by Act of Parliament), or (complaining that the Return made for the said _____ is not a Return of a Member or Members according to the Requisition of the Writ), or (complaining of the special Matters contained in any such Return)] shall adjudge to be payable by the said *C. D.* and *X. Y.*, (*the other Petitioner, if any*), or either of them, and shall also well and truly pay the Costs and Expenses due and payable by the said *C. D.* and *X. Y.*, (*the other Petitioner, if any*), and each of them, to any witness summoned in his or their behalf, or to the party who shall appear in opposition to the said Petition, in case the said *C. D.* and *X. Y.* (*the other Petitioner, if any*), shall be allowed to withdraw his or their said Petition, then this Recognizance to be void, otherwise to be of full force and effect.

CAP. CIV.

AN ACT to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament.

(9th August 1844.)

By this ACT, the Commons grant, and it is Enacted,—

- I. That there shall be applied, for the service of the year 1844, 6,969,856*l.* 10*s.* 3*d.* out of the Consolidated Fund.
- II. The Treasury may cause 6,969,856*l.* 10*s.* 3*d.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1, 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66.
- III. The clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer bills.
- V. Bank of England may advance 6,969,856*l.* 10*s.* 3*d.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank as security for such advances.
- VII. Monies raised by Exchequer bills to be applied to services voted by the Commons.
- VIII. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.
- IX. The Treasury to issue 184,324*l.* 9*s.* 9*d.* the surplus of ways and means, and 500,000*l.* now in the Exchequer, to complete the aids granted for 1842 and 1843.
- X. Monies coming into the Exchequer by 7 & 8 Vict. c. 6; 18,407,300*l.* by Exchequer bills, 7 & 8 Vict. c. 14; monies coming in by 7 & 8 Vict. c. 28; and 6,969,856*l.* 10*s.* 3*d.*, 184,324*l.* 9*s.* 9*d.* and 500,000*l.* by this Act applied as hereafter expressed.
- XI. There shall be applied 6,250,120*l.* for naval services; viz. 1,740,176*l.* for wages to 36,000 seamen and marines, &c.; 544,960*l.* for victuals, &c. in the navy; 126,826*l.* for salaries, &c. of the Admiralty office; 2,980*l.* for registry office of merchant seamen, &c.; 38,076*l.* for the navy scientific departments; 127,927*l.* for naval establishments at home; 22,426*l.* for naval establishments abroad; 649,104*l.* for wages of artificers, &c. at home; 42,080*l.* for wages of artificers, &c. abroad; 1,053,966*l.* for naval stores, &c.; 296,866*l.* for new works in yards; 20,165*l.* for medicines, &c.; 61,630*l.* for naval miscellaneous services; 742,296*l.* for naval half pay; 495,626*l.* for military pensions; 162,959*l.* for civil pensions; 160,890*l.* to defray the charge of transports, &c.; 96,327*l.* for conveying convicts to New South Wales, &c.; 432,541*l.* for mail packet service.
- XII. There shall be applied 6,617,249*l.* for army services; viz. 3,431,764*l.* for forces in United Kingdom and stations abroad (except the East Indies); 158,231*l.* for general staff officers, &c.; 90,308*l.* for allowances to officers, &c. of public military departments; 13,408*l.* for Royal Military Asylum, &c.; 88,077*l.* for volunteer corps; 1,649*l.* for services of former years; 13,953*l.* for rewards for distinguished military services; 77,000*l.* for certain general officers; 62,300*l.* for full pay for retired officers; 460,000*l.* for half-pay for retired officers; 54,932*l.* for half-pay, &c. to officers of disbanded foreign corps; 141,610*l.* for pensions to widows; 110,000*l.* for compassionate list, &c.; 1,252,792*l.* for Chelsea and Kilmainham hospitals, &c.; 38,500*l.* for superannuations in military public departments; 436,284*l.* for commissariat departments; 46,618*l.* for half-pay of commissariat department; 149,823*l.* for disembodied militia.
- XIII. There shall be issued 1,859,064*l.* for Ordnance services; viz. 127,043*l.* for civil establishments at the Tower, Woolwich, &c.; 111,707*l.* for the corps of royal engineers, &c.; 343,552*l.* royal regiment of artillery, &c.; 39,297*l.* salaries to barrack masters, &c.; 483,721*l.* for Ordnance works, &c.; 166,796*l.* Ordnance surveys, military and civil contingencies, &c.; 229,580*l.* Ordnance and military store branch services; 163,680*l.* for Ordnance superannuations, retired allowances, pensions, &c.; 174,688*l.* for commissariat supplies; 19,000*l.* for repairing damages at the royal gunpowder manufactory, &c.
- XIV. There shall be issued 18,407,300*l.* to pay off Exchequer bills charged on the aids of 1844; 500,000*l.* to discharge supplies granted for 1843, &c.
- XV. There shall be issued 100,000*l.* for civil contingencies; 112,190*l.* for repairs of public buildings and furniture of public offices; 5,420*l.* for providing accommodation for Houses of Parliament; 60,000*l.* for new Houses of Parliament; 7,000*l.* for Trafalgar Square; 4,164*l.* for Holyhead harbour, &c.; 50,000*l.* for Caledonian canal; 26,871*l.* for public buildings, Ireland; 8,600*l.* for Kingstown harbour; 5,600*l.* for Port Patrick harbour.
- XVI. There shall be issued 59,350*l.* for both Houses of Parliament; 55,600*l.* for salaries, &c. at the Treasury; 18,703*l.* for the Home Department; 67,000*l.* for salaries, &c. in the Foreign Department; 22,100*l.* for the Colonial Department; 32,500*l.* for salaries, &c. at the Privy Council, &c.; 2,000*l.* for Lord Privy Seal; 31,689*l.* for office of Paymaster General; 16,068*l.* for Comptroller General of Exchequer, &c.; 2,600*l.* for State Paper Office; 3,200*l.* for Ecclesiastical Commissioners for England; 53,000*l.* for the Poor Law Commissioners; 53,236*l.* for the Mint; 13,467*l.* for public records; 9,700*l.* for salaries, &c. of inspectors of factories, &c.; 6,464*l.* household of Lord Lieutenant of Ireland; 20,400*l.* for departments of chief secretary to Lord Lieutenant; 4,979*l.* for Paymaster of Civil Services, Ireland; 6,275*l.* for Board of Public Works; 39,200*l.* for foreign and secret services; 212,324*l.* for stationery, &c., for Government departments; 4,950*l.* for printing, &c. by Queen's printer, Ireland.
- XVII. There shall be issued 30,000*l.* for law charges, &c.; 13,360*l.* for prosecutions under laws relating to coin; 150,000*l.* for charges hitherto paid out of county rates; 18,400*l.* for expenses of sheriffs, salaries of officers of the Exchequer, &c.;

13,000*l.* for salaries, &c. of officers of Insolvent Debtors Court; 18,586*l.* Parkhurst prison; 20,364*l.* for Pentonville prison; 47,689*l.* for Millbank prison; 3,972*l.* for criminal lunatics; 6,500*l.* for inspectors of prisons; 63,935*l.* for law expenses, Scotland; 62,109*l.* for law expenses, Ireland; 30,000*l.* for the police of Dublin; 6,337*l.* for buildings, &c. at the convict depôt in Dublin; 87,090*l.* for convicts at home, Bermuda, and Gibraltar; 300,000*l.* for convicts at New South Wales, &c.

xviii. There shall be issued 37,987*l.* for British Museum; 4,588*l.* for London University; 7,380*l.* for Scottish Universities; 300*l.* for Royal Irish Academy; 300*l.* for Royal Hibernian Academy; 5,850*l.* for Royal Dublin Society; 2,100*l.* Belfast Academical Institution; 46,030*l.* for buildings at British Museum; 3,245*l.* for purchasing collections for same; 1,500*l.* for National Gallery; 2,300*l.* for Museum of Economic Geology; 7,235*l.* for observatories at Toronto, &c.; 1,500*l.* for monuments to the memory of Sir Sydney Smith, &c.; 5,000*l.* for Agricultural Museum, Edinburgh; 2,000*l.* for Botanic Garden, Dublin; 40,000*l.* for public education; 72,000*l.* for education, Ireland; 8,928*l.* for Roman Catholic College, Ireland; 4,411*l.* school of design; 2,006*l.* for certain professors, Oxford and Cambridge; 2,345*l.* salaries of officers, Scotland; 6,000*l.* for repairs to colleges in St. Andrew's University; 8,000*l.* for completing monument to Lord Nelson; 7,524*l.* for pictures for the National Gallery; 6,900*l.* for books for the British Museum.

xix. There shall be issued 3,410*l.* for civil establishment of the Bahama Islands, &c.; 4,049*l.* for ditto of the Bermudas; 3,070*l.* for ditto of Prince Edward's Island; 400*l.* for Sable Island, &c.; 13,680*l.* for civil establishments on the western coast of Africa; 13,500*l.* for St. Helena; 7,219*l.* for Western Australia; 3,775*l.* for South Australia; 4,224*l.* for Port Essington; 9,812*l.* for the Falkland Islands; 7,565*l.* for New Zealand; 1,023*l.* for Heligoland; 18,394*l.* for West India colonies; 11,353*l.* for British North American provinces, &c.; 18,895*l.* for Indian department in Canada; 11,282*l.* for colonial land and emigration board; 49,700*l.* for salaries, &c. of Justices in West Indies, &c.; 12,000*l.* education of emancipated Negro population; 35,000*l.* support of captured Negroes, &c.; 24,000*l.* for commissions for suppressing the slave trade; 107,300*l.* for consular establishment; 20,000*l.* for ministers at foreign courts; 80,000*l.* for British settlement at Hong Kong, &c.

xx. There shall be issued 85,800*l.* for retired allowances to public officers; 6,200*l.* for Toulonese and Corsican emigrants, &c.; 1,850*l.* for National Vaccine Institution; 3,000*l.* for Refuge for Destitute; 12,108*l.* for Polish refugees, &c.; 4,979*l.* to pay allowances formerly paid from Civil List, &c.; 2,154*l.* for charities, &c., Scotland; 6,767*l.* for Foundling Hospital, Dublin; 13,429*l.* for House of Industry, Dublin; 1,000*l.* for Female Orphan House; 2,500*l.* for Westmoreland Lock Hospital; 1,000*l.* for Lying-in-hospital, Dublin; 1,500*l.* for Dr. Stevens's hospital; 3,000*l.* for Fever Hospital, &c. Dublin; 500*l.* for Hospital for Incurables; 700*l.* for charitable donations, Ireland; 35,630*l.* for Protestant dissenting ministers, Ireland; 7,340*l.* for charitable allowances, Ireland.

xxi. There shall be issued 5,000*l.* for the survey of Ireland; 2,997*l.* improvement of the Shannon; 1,330*l.* British Ambassador's house at Paris; 10,000*l.* ditto at Constantinople; 50,000*l.* for steam to India; 16,600*l.* for militia, Canada.

xxii. Supplies to be applied only for the purposes aforesaid.

xxiii. Rules to be observed in the application of the sum appropriated to half-pay.—Not to prevent the receiving of half-pay under any Act relating to the general or local militia, &c.—Paymaster General, by permission of the Treasury, may issue half-pay to officers appointed to civil offices since July 1828.—An account of the number of officers so receiving half-pay to be laid before Parliament.

xxiv. Treasury may authorize military officers in civil employments to receive half-pay in certain cases.

xxv. Persons concerned in issuing, paying, and receiving money for the payment of half-pay, without the oaths having been taken as required, indemnified.

xxvi. Half-pay allowed to the officers of the Manx fencibles.

xxvii. Half-pay allowances to chaplains of regiments not being in possession of ecclesiastical benefices derived from the Crown.

xxviii. By 6 & 7 Vict. c. 99. a sum was appropriated to be paid to half-pay officers, the surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

xxix. Widows and persons claiming pensions shall make the required declaration.

xxx. Declarations to be made as specified in 5 & 6 Will. 4. c. 62.

CAP. CV.

AN ACT to confirm and enfranchise the Estates of the Conventiounary Tenants of the ancient Assessionable Manors of the Duchy of *Cornwall*, and to quiet Titles within the County of *Cornwall* as against the Duchy; and for other Purposes.

(9th August 1844.)

This Act contains the following clauses:—

I. Charter, 11 Edw. 3.—Assessionable manors mentioned in the Schedules.—Conventiounary tenements held of such manors by assessionable grants.—Nature of the estates created by such grants.—Confirmation of the estates of the conventiounary tenants of the unsold manors.

- II. Appointment of Commissioners.
- III. For appointment of new Commissioners on vacancies.
- IV. Neglect of Commissioners to attend three meetings to be considered a refusal to act.
- V. Commissioners may be removed in case of misconduct or becoming interested parties.
- VI. Commissioners to make a declaration before acting.—Form of declaration.
- VII. For appointment of a secretary to the Commissioners.
- VIII. Minutes of proceedings to be kept, and to be evidence, and open for inspection.
- IX. Remuneration of the Commissioners and their secretary.
- X. Times and places of meetings of the Commissioners, and as to the notices to be given of the same.
- XI. As to other notices to be given.
- XII. Two Commissioners may act.
- XIII. Commissioners to inquire of and ascertain conventional tenements, and the boundaries, identity, and situation thereof, and all lands, mines, and minerals belonging to the Duke of Cornwall within the assessionable manors.
- XIV. Commissioners to determine the annual sums for which casual payments and services may be justly commuted.
- XV. All persons claiming interest in conventional tenements to send in a statement of their claims to the Commissioners.
- XVI. Persons may appear by agents, but not by counsel.
- XVII. Persons may appoint agents by power of attorney.—Form of power.
- XVIII. Claims of conventional tenants to be established unless objected to.
- XIX. Parties in possession to be deemed to have *prima facie* title.
- XX. Commissioners may frame and circulate forms, &c.
- XXI. Commissioners to employ surveyors and others, and summon witnesses, and order the production of documents.
- XXII. Commissioners to order payment of expenses of witnesses and other expenses.
- XXIII. The general expenses to be borne by the Duke of Cornwall and the other persons interested, in certain proportions.
- XXIV. Mode of payment.
- XXV. Expenses on neglect or default of payment to be recovered by distress.
- XXVI. Power for persons having limited estates to charge expenses on the estate.
- XXVII. Power for the Duke to advance money on account of the expenses of the Act, and provision for his being repaid.
- XXVIII. Commissioners to keep accounts.
- XXIX. Summons and order of the Commissioners to have the same effect, and be enforced, as if made by a Judge's order.
- XXX. Power for Commissioners, surveyors, and all other persons employed by them, to enter on the lands, and erect marks.—Penalty for obstructing them, or removing such marks.
- XXXI. Commissioners to make an award as to the matters of which they are hereinbefore directed to inquire.
- XXXII. Tin bounds excepted from the inquiry and award.
- XXXIII. Commissioners may use maps made for the purposes of the tithe commutation.
- XXXIV. Commissioners may apportion annual sum to be payable for each tenement or manor among different parts of the tenement or different tenements of the manor.
- XXXV. Commissioners may annex schedules to their award.
- XXXVI. Deposit of award, and meeting for hearing objections.—Amendment of award.
- XXXVII. Rehearing.—Parties requiring rehearing to give security for costs.
- XXXVIII. Award to be signed after final rehearing.
- XXXIX. Award to be in triplicate, and to be deposited in certain offices, and copies and extracts thereof to be furnished.
- XL. Award to be conclusive in all future questions as to the subject matters thereof.
- XLI. After the execution of the award, all conventional tenements held of the unsold manors, to become freehold of the manors of which they have been held, subject to the payment of the annual sums fixed by the award.
- XLII. The Act not to confirm conventional tenements first granted within sixty years.
- XLIII. Special grants may be made by the Duke of Cornwall in compensation for lands first granted within sixty years.
- XLIV. The Act not to confirm profits *à prendre* let in convention.
- XLV. Power for the Commissioners to award lands in compensation of common of pasture or turbary.
- XLVI. The freehold tenements to be subject to the same estates as the conventional tenements.
- XLVII. After the award, purprestures and encroachments may be abated.
- XLVIII. Award may be appealed against by any person to Her Majesty in Council;
- XLIX. And may be appealed against by the Duke of Cornwall.
- L. After appeal, the award may be altered.
- LI. Commissioners may make several awards.

- LII. Final apportionment of expenses to be made and deposited in the same manner as the award.
- LIII. All mines and metallic minerals under conventional lands, and all mines, minerals, stone, and substrata and other profits under and of other lands in the unsold manors, to belong to the Duke of Cornwall.
- LIV. Similar provision as to the mines and metallic minerals within the sold manors.
- LV. Right of the Duke of Cornwall and his lessees to enter and work mines, minerals, stone, and substrata, making compensation for damage to the surface, and for use of stone and water.
- LVI. Compensation in case of dispute to be settled by two Justices or by the vice warden, at the option of the party liable.—Justices or vice-warden to take the assistance of surveyor, &c.—No compensation to become payable for twelve calendar months after entry, except under certain circumstances.
- LVII. Compensation to be paid to the person in possession or receipt of the rents and profits;
- LVIII. For the benefit of himself and others (if any) interested.
- LIX. When the person in possession, &c. is under disability or unknown, compensation to be paid into the court of the vice-warden of the stannaries.
- LX. Notice to be given before entry to search or work mines except in waste lands;
- LXI. And security for damage.
- LXII. After determination of entry, and in other events, security to be given up.
- LXIII. Provision in case of the change of the registrar of the court of the vice-warden.
- LXIV. Vice-warden to make orders as to monies for the time being in the hands of the registrar.
- LXV. Remedies for the recovery of compensation by action and otherwise.
- LXVI. Compensation may be made by a periodical sum, and for continuing damage.
- LXVII. The Duke not liable for damage done by his lessees or others.
- LXVIII. No compensation to be made for damage to waste or demesne land.
- LXIX. Right of the Duke of Cornwall and his lessees to remove buildings and works, or to allow the same to remain.
- LXX. No damage to be done to any house, building, park, garden, or pleasure ground.
- LXXI. The claims of the Duke of Cornwall generally to be barred by the lapse of sixty years.
- LXXII. The claims of the Duke not to be kept alive by putting a manor in charge, of which the land shall be part.
- LXXIII. Claims of the Duke of Cornwall to mines to be barred by the possession of the land and exclusively working the mines for sixty years.
- LXXIV. Or by the possession of the land for one hundred years.
- LXXV. Rents, &c. in charge with the proper officer to be deemed in charge.
- LXXVI. Time as to reversions not to begin to run till they fall into possession.
- LXXVII. Nor to hereditaments which have been granted for limited estates till such estates fail.
- LXXVIII. Estates to remain subject to all rents and duties.
- LXXIX. Proviso as to rents.
- LXXX. Act not to bar any claim of the Duke as to property comprised in the award.
- LXXXI. Nor to prejudice the rights of existing lessees or grantees, if claims be prosecuted within one year.
- LXXXII. In case of claims being prosecuted by such lessees, Act not to prejudice the rights of parties against whom the claims are made.
- LXXXIII. Rights established by lessees to determine with the grant or lease.
- LXXXIV. Act not to affect the privileges of the tinners;—
- LXXXV. Nor extend to royalties, liberties, offices, or franchises let in convention;—
- LXXXVI. Nor to navigable rivers, estuaries, branches of the sea, or sea-shore.
- LXXXVII. Act not to affect the Act of 2 & 3 Will. 4. c. 100.
- LXXXVIII. Provisions for limitations of actions, &c. to apply only to lands, &c., in Cornwall.
- LXXXIX. Actions for anything done under the Act to be commenced within three months.
- XC. Orders, &c. not to be void for want of form.
- XCI. Power of attorney, &c. free of stamp duty.
- XCII. Interpretation of Act.
- XCIII. Provision during the minority of his Royal Highness Albert Edward now Duke of Cornwall.
- XCIV. Act may be amended, &c.

CAP. CVI.—IRELAND.

AN ACT to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Acts and parts of Acts repealed; 26 Geo. 3. (1.) in part; 43 Geo. 3. c. xxv.; 50 Geo. 3. c. lx.; 51 Geo. 3. c. xxxvi. in part.
2. No presentment for raising money except at Easter term.—Grand juror's oath.
3. Grand jury shall transact business in open court, in such place as Judges of Queen's Bench shall appoint; and shall be called over each morning.
4. APPOINTMENT OF COUNTY OFFICERS.—Grand jury shall appoint secretary.
5. Secretary shall not be also the clerk of the peace, &c.
6. Lord Lieutenant in council shall appoint number of districts for surveyors, and salaries.—Grand jury shall fix boundaries.—No barony to be divided.
7. A board of engineers shall examine and give certificates to persons qualified and desirous of being appointed surveyors.
8. Duties of district surveyors.
9. Surveyors may be dismissed by Lord Lieutenant or grand jury.
10. On death, resignation, or dismissal of present collectors, grand jury shall appoint collectors of county cess.
11. Collectors shall enter into security.—Grand jury to fix the poundage to be allowed.—Proviso.
12. Duty of collectors.—Collectors may be suspended or dismissed for negligence by finance committee.
13. PRESENTMENTS ON COUNTY AT LARGE.—Grand jury may present on county at large for building, repairing, &c. of court houses.
14. Providing for insufficient or incommodious sessions houses.
15. Secretary of the grand jury may advertise for plans, &c.
16. Sites of court and sessions houses.
17. Rents of court and sessions houses.
18. Commissioners of Public Works may sell old court houses.
19. For providing fuel, &c. for court houses.
20. Rent of petty sessions houses.
21. Salaries of sessions housekeepers, &c.
22. Erecting milestones, &c.
23. Support of fever hospitals and dispensaries.
24. Erection of fever hospitals.
25. Idiot wards in connexion with lunatic asylums.
26. Expenses of boards of health.
27. Lunatic asylums, erection of, where necessary.
28. Maintenance of lunatic asylums.
29. Repayment of advances for lunatic asylums.
30. Rents for same.
31. Fees to coroners.
32. Certificates of inquests held by coroner.
33. Coroner to summon as medical witness the nearest qualified practitioner.
34. Payment of medical witnesses.—Ordinary examination one guinea.—Post-mortem examination two guineas.—Grand jury may present for fees to medical witnesses.
35. No presentment if coroner has not attended.
36. Maintenance of constabulary.
37. Remuneration to constables, &c. for bodily injuries.
38. Superannuation to magistrates, &c.
39. Special constables.
40. Prosecutors and witnesses.
41. Rewards for information.
42. Rewards for apprehension of offenders.
43. Removal of offenders.
44. Maintenance of deserted children.
45. Salaries of county officers, as per Schedule.
46. Clerk of Crown to make return of fees.
47. Further presentment in cases of special commissions.
48. Presentment for secretary shall include stationery.
49. Registry books and lists.
50. Weights and measures.
51. Suing officers, &c.

52. Valuation Commissioners.
53. Lowering hills, building and repairing bridges, gulleys, &c. either on county or barony.
54. Where road or stream is a boundary.
55. PRESENTMENTS ON BARONIES FOR—Widening and repairing road, and filling up ditches.—Barony pounds.
56. Footpaths making and repairing.
57. Repairs of roads and footpaths by contract not exceeding five years.
58. New roads, application being previously lodged with secretary, and notice served on occupier.
59. Surveys for new roads may be authorized on certificate of Justices.
60. New road not to be used for certain time;—Penalty, 20s.
61. Stopping up old road.
62. Board of Works, on requisition from Post Office, may repair post roads.
63. The Board may employ persons to execute the works in certain cases.
64. Power of the Board over works executed by them.
65. Grand jury shall present sums to be expended for such roads, &c.
66. Expence of bridges to be partly in county of Dublin and partly in adjoining county.
67. MODE OF MAKING PRESENTMENTS.—Magistrates and associated cess-payers shall hold presentment sessions.—Magistrate shall appoint chairman.
68. Grand jury, each presenting term, shall fix districts, places, and times for presentment sessions.
69. Collectors shall make returns of one hundred highest cess-payers in each district to grand jury.
70. Grand jury shall fix number of cess-payers to be appointed with magistrates, not less than five nor more than twelve, for each district; and shall reduce list furnished by collectors to treble that number.
71. Manner of determining the persons who shall be associated with the Justices to constitute presentment sessions districts.
72. Secretary of grand jury shall notify appointment to such cess-payers.—Justices and cess-payers to subscribe declaration.
73. Two cess-payers shall be selected at baronial sessions, and shall, with Justices, constitute presentment sessions for county at large.
74. Applications for presentments.
75. Presentments to be made in barony in which larger part of the work is situate.
76. Applications shall be lodged with secretary twenty-one days before presentment sessions.—Secretary shall have an abstract and index printed, and posted in district.
77. District surveyor may make application at sessions for necessary works not otherwise applied for.
78. Manner and form of application.
79. Applications shall be considered and decided on at sessions.—Sessions shall then adjourn to some day not sooner than twenty-one days after fixing day of presenting term.
80. Mode of proceeding if sessions refuse to approve of necessary work.
81. Sessions may approve of contract for five years.
82. In cases of absence or death of party making the application, sessions shall decide.
83. Secretary shall have schedules of approved applications printed, and shall lay same before grand jury.
84. Grand jury to consider and decide on all applications, fixing amount and time for execution of works.
85. Grand jury shall not make presentments, unless on application approved of at sessions, except in cases of sudden damages, and in cases otherwise provided for.
86. Secretary shall have abstracts of fixed presentments printed, and tenders for contracts advertised for.—Tenders shall be delivered in sealed envelopes.
87. At adjourned sessions tenders shall be opened and dealt with.—If no tender or proposal approved of by sessions, work may be given in charge to district surveyor.
88. Form of security.
89. Secretary shall keep book with particulars of contract.
90. MODE OF PAYMENT.—Grand jury shall appoint finance committee.
91. Meetings of finance committee.—Three a quorum.
92. District sessions shall appoint road wardens.
93. Chairman of each adjourned presentment sessions shall certify amount payable to each contractor or other person.
94. Contractors desirous of payment shall give notice to district surveyor and road warden.—Finance committee, on being satisfied as to execution of work, may give order for payment.
95. If finance committee refuse payment, contractor may appeal.
96. Finance committee, twenty-one days before each presenting term, shall make up half-yearly county accounts, and each barony account shall be kept separate.
97. MODE OF RAISING COUNTY RATE.—Clerk of Crown, within fourteen days after fiat, shall make out list of presentments.—Finance committee to ascertain proportion to be raised off each barony.
98. Until valuation under 6 & 7 Will. 4. shall be completed, apportionment of baronial charges shall be according to Poor law valuation.
99. Finance committee shall issue warrant to collector for levying the sums to be raised.—A transcript to be sent to the church-wardens.—A meeting to be convened for appointing applotters.—If no applotment made within twenty days, collector shall himself applot.
100. Payment to applotters and clerk of union.
101. Grand jury cess may be levied by distress, or collector may summon before Justices.
102. Cess shall be paid by person in occupation when levy made.
103. Collectors shall pay into bank the sums received each month, and shall furnish finance committee with statement, vouchers of payments, &c. collectors improperly collecting, or not using due diligence, may be dismissed.
104. Collector's fees shall be added to applotment.
105. Notices, how to be promulgated.

106. *Secretary shall cause abstracts of presentments and contracts to be printed, with an abstract of accounts of finance committee and of the applotment.*
107. *Contractor shall pay his labourers in money.—Penalty for paying or attempting to pay in goods.—May be summoned for wages.*
108. *Contractor neglecting to perform contract may with his sureties, be summoned before petty sessions.*
109. *Any two Justices at petty sessions may order sums not exceeding 20l. for repair of sudden damage to bridge, or 10l. to road, &c.*
110. *Penalty for giving money for any appointment.*
111. *Power reserved to make presentment under Act, 7 Geo. 4. c. 74.—Proviso.*
112. *Power to re-present arrears as originally presented.*
113. *Certain arrears now due and balances to be re-presented by instalments.*
114. *County buildings may be insured.*
115. *Grand juries may exchange short lines with trustees of turnpike trusts.*
116. *No toll on turnpike roads for travelling less than 100 yards.*
117. *Expenses of repairing road from Dublin to Blackrock to be raised, one-third on city, one-third on barony of Rathdown, and one third on barony of Dublin.*
118. *If grand jury neglect, Commissioners of Works to repair road, and grand jury to present expense thereof.*
119. *Parties contracting for repairs of said road to furnish statement and account, and to attend grand juries.*
120. *Repayment of money advanced out of Consolidated Fund.*
121. *Court shall make order if grand jury refuse.*
122. *Compensation for malicious injury.—Notice to be given within six days to churchwardens.—Application to be made to sessions, and disposed of by grand jury.*
123. *Applications when to be made.*
124. *Persons injured to give in examinations within three days, and declare whether they know the party committing the damage.*
125. *When presentment is opposed or application disallowed jury may be sworn to try the matter.*
126. *No presentment for compensation to be removed by certiorari, nor traverse allowed, nor action in cases provided for.*
127. *Mode of obtaining compensation for injury committed near boundary of the county.*
128. *No fees to be taken for such presentments.*
129. *Justices at Quarter Sessions shall divide county into two coroners districts.—In cases of sudden death, sub-inspector of constabulary, &c. shall give notice thereof to coroner.*
130. *Head constable shall be inspector of weights and measures.*
131. *Committee may be appointed to superintend court houses.*
132. *Offices of inspector of accounts and of treasurer of county of Dublin abolished.*
133. *Compensation to officers.*
134. *Presentment may be traversed.*
135. *Presentments for new roads, &c. may be traversed for damages.*
136. *Contractor and surveyors may take materials for roads, &c.—Damage to be assessed by three appraisers.*
137. *Materials not to be taken to injury of road or building.*
138. **NUISANCES AND PENALTIES.—Regulation of drovers.**
139. *No house to be built within thirty feet of centre of road.—What deemed to be the centre of the road.*
140. *Persons who scour or fill up ditches on sides of roads without consent of surveyor or road warden, or occupiers omitting to scour their ditches, &c. for water to pass through after notice, or persons committing nuisances herein described, liable to penalty.*
141. *Dug, &c. on public road may be taken away by any one having permission of the surveyor.*
142. *Forfeiture for laying rubbish on roads.—Justices may issue warrant for killing dangerous dogs.*
143. *Cattle found straying on road may be impounded where owner is unknown; and nuisances may be abated.*
144. *Contractor, &c. not liable to penalty, except as herein.*
145. *Surveyors may require occupiers to prune trees; in default, may summon before Justices.*
146. *Penalty on persons obstructing surveyors or contractors, or injuring county works.*
147. *Constables, &c. shall report nuisances.*
148. *No stamp duty upon contracts and recognizances under this Act.—Proceedings for breach of contract.*
149. *Forfeitures to be levied by distress and sale.—Application thereof.*
150. *The party distraining not to be a trespasser in consequence of any irregularity.*
151. *General issue may be pleaded.*
152. *Justices not to take money for affidavits.*
153. *Money to be in present currency.—Schedules part of Act.—Notices not to be impeached on technical grounds.*
154. *Form of conviction.*
155. *Limitation of actions.*
156. *Interpretation of Act.*
157. *Commencement of Act.*
158. *Act may be amended.*

By this Act,

After reciting that by 6 & 7 Will. 4. c. 116, intituled 'An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in Ireland,' whereby provision was made for the above purpose in all parts of Ireland, except in the county and city of Dublin; and it is expedient to assimilate the law in the county of Dublin, as far as may be practicable, to that in other parts of Ireland:—

It is Enacted,

1. That from and after the 1st of January 1845 the following Acts and parts of Acts shall be and are hereby repealed, save

and except so far as they or any of them repeal any other Act, and also save and except as to matters and things heretofore done under the said Acts or any of them; (that is to say,) an Act, 26 Geo. 3. (1.), intituled 'An Act for making, widening, and repairing public Roads in the County of Dublin, and for repealing Parts of several Acts formerly made for that purpose' (except such parts thereof as authorize the grand jury to accept from and the late Sir Nicholas Lawless to make a conveyance of so much of Gallows Hill as might be deemed sufficient for erecting a county gaol, and provide that the person or persons to whom such conveyance should be made should in nowise be reputed to derive or claim as a freeholder or freeholders, and as empower the grand jury to levy and pay to the said Sir Nicholas Lawless, his heirs and assigns, the annual rent therein mentioned); also an Act, 43 Geo. 3. c. xxv., intituled 'An Act to alter and amend the aforesaid Act made in the Twenty-sixth Year of His said Majesty's Reign'; also an Act, 50 Geo. 3. c. lx., intituled 'An Act to amend so much of an Act made in the Parliament of Ireland in the Twenty-sixth Year of King George the Third, for making and repairing public Roads in the County of Dublin, as relates to the Roads within the Barony of Rathdown'; and also an Act, 51 Geo. 3. c. xxxvi., intituled 'An Act to amend an Act made in the Parliament of Ireland in the Twenty-sixth Year of King George the Third, for making and repairing public Roads in the County of Dublin,' with respect to those roads within those parts of the baronies of Uppercross and Newcastle which are situate on the south-east side of the great turnpike road leading from Dublin to Cork by Rathcoole and Naas.

II. That it shall not be lawful for any grand jury of the county of Dublin to present, or for the Judges or Justices of any court to allow any presentments for the raising or levying any money off the county of Dublin at large, or off any barony within the said county, except at Easter term in every year; and such Easter term shall be designated the presenting term for the county of Dublin; and on the first day of every such term the clerk of the Crown in open court shall administer to each of the grand jurors to be impanelled the oath following; (that is to say,)

'YOU shall diligently inquire, on behalf of the County of Dublin, and true Presentment make, of all such Matters and Things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any Money upon the said County of Dublin, or upon any Barony, Half Barony, District, or Parish therein, or relating to the Expenditure of any such Money: You shall not present, nor allow, nor disallow, any Matter or Thing, through Hatred, Malice, or Ill-will, nor through Fear, Favour, Affection, nor Reward.
So help you GOD.'

III. That the grand jury of the said county of Dublin, so impanelled at the presenting term in each year, shall be and be deemed to be the grand jury of the said county for all the purposes of this Act, and shall transact the fiscal business of the said county in open court, and in such place or room, and within such times, during term, as the Judges of the Court of Queen's Bench from time to time shall appoint, not exceeding twelve days from the first day of each presenting term; and that the secretary of the grand jury shall cause to be laid before the Court of Queen's Bench, two days at least before the last day that shall be appointed by the Judges as aforesaid for the finishing of the fiscal business, all accounts of presentments to be filed by the Court; and that each grand jury shall for the whole period during which they shall sit be called over each morning at sitting by the foreman or person acting as such, and at all other times when the number of grand jurors present shall be less than by law required for the performance of the functions of a grand jury; and any grand juror who shall make default in his attendance at any of such times shall for every such default incur a penalty of 40s.; and such default shall be reported by the foreman to the Court of Queen's Bench, and unless the same shall be excused on the ground of illness, or other good and substantial reason, to the satisfaction of the Court, such fine and penalty shall be by the said Court confirmed and declared absolute, and recovered and applied in the same manner as fines and penalties imposed on jurors for any defaults or misbehaviour may now by law be recovered and applied; and if the foreman shall fail to call over the jury at the times hereinbefore appointed, or to report the absence of any juror upon such call, he shall incur a penalty of 40s. for each such default, to be in like manner recovered and applied: Provided always, that nothing herein contained shall limit or affect the authority of the said Court to enforce the attendance of any grand juror as said Court may now enforce such attendance.

IV. That upon the death, resignation, or removal of the present secretary of the grand jury it shall be lawful for the grand jury at any such presenting term to appoint a proper person to act as their secretary; and the present secretary of the grand jury, or any secretary who shall be appointed hereafter under the provisions of this Act, shall continue to act as such until he shall be removed by the grand jury, or until another person, duly qualified, shall be in like manner appointed; and if any person appointed secretary shall happen to die, the clerk of the peace or his known deputy is hereby required to act as such until the last day of the ensuing presenting term; and for the performing all and singular the duties of such secretary such clerk of the peace or his said deputy shall be entitled to receive a rateable proportion of the salary of such secretary for the time during which he shall have performed such duties; but in case of the illness of the secretary it shall and may be lawful for such secretary to appoint a deputy, for whom he shall be responsible, and who shall perform the duties of said secretary during his illness: Provided always, that it shall not be lawful to appoint or continue joint secretaries or more than one person as secretary in the said county.

V. That it shall not be lawful for the same person to be appointed, after the 1st of January 1845, secretary of the grand jury and clerk of the peace, or clerk of the Crown, or treasurer of any county, or collector of grand jury cess, or inspector of gaols; and in case the secretary of the grand jury shall at any time refuse or neglect to perform any of the duties imposed upon him by the provisions of this Act, such secretary, being convicted thereof before the Judge of the Court of Queen's Bench, shall for such refusal or neglect forfeit any sum not exceeding 50*l.*, at the discretion of such Judge; and no presentment shall be made of any salary to him.

VI. That it shall be lawful for the Lord Lieutenant, by order in council, at any time and from time to time hereafter, to require and direct the grand jury of the said county, at the Easter or Michaelmas term next following the making of such order, to divide the said county into as many road districts as in and by such order shall be directed, or to alter any districts, and fix and declare the salary of the surveyors to be appointed for each district, and the scale by which such salary shall be at any time augmented; and the said grand jury shall thereupon declare and define by presentment the boundary of each

such district, and set forth the townlands or denominations to be contained therein; provided, however, that no barony shall be divided, but the whole of each barony shall be placed in one district; and the presentment for such division or alteration of division of the county shall be laid before the Court, and filed with the other presentments; and from and after the filing of such presentment the several districts to be formed shall be and constitute the road districts respectively of the said county for the purposes of this Act.

VII. That it shall be lawful for the Lord Lieutenant of Ireland at any time to appoint a board of three civil or military engineers, to act without salary or emolument, in Dublin, who shall from time to time examine into and certify the qualifications of persons desirous to act as district surveyors for the said county under this Act; and such board of engineers, after due examination, shall give certificate of qualification to any person who, in their opinion, shall be duly and properly qualified to undertake the duties of such office; and it shall be lawful for the grand jury of the said county, at the next Michaelmas term after the passing of this Act, or at any succeeding presenting term, to appoint from amongst the persons who shall have obtained such certificate one surveyor for each road district, at such salary and subject to such augmentation as shall have been so fixed and determined by the Lord Lieutenant in council.

VIII. That each surveyor to be appointed as aforesaid shall attend at each presentment sessions hereinafter directed to be held in and for his district for the reception of applications for presentments, and also at the presentment sessions for the county at large, and shall afford such professional advice and assistance in the consideration thereof as may be required of him under the direction of the grand jury, the finance committee hereinafter directed to be appointed, or presentment sessions, and shall prepare forms of tenders and proposals, estimates, specifications, maps, plans, sections, or elevations of any work approved thereat, and shall himself make such application, when necessary, as hereinafter directed, and shall also attend upon the grand jury, and as far as possible make to them a full and particular report on all applications for presentments lodged with the secretary as aforesaid, and the necessity or utility of the same, and on the correctness of the maps, plans, specifications, and estimates prepared as aforesaid, and how far it may be expedient to alter, vary, or modify the objects stated in such applications; and the said surveyor or surveyors shall also report generally on the state of public works in their respective districts, and on all applications on the part of contractors, and on the progress and execution of all public works formerly presented, and on the performance of all contracts, and on the state, repairs, progress, and condition of all buildings, roads, bridges, gulleys, walls, or other work; and the said surveyor or surveyors, or one of them, as the grand jury or finance committee shall direct, shall audit all accounts of such works, and ascertain and certify the correctness thereof, and whether each contractor is entitled to payment, and how far and whether such contractor has conformed to the provisions of this Act and the laws in force in Ireland, and shall also report the name and description of all persons by him prosecuted for any nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of surveyor, or which may be given to him in charge by the grand jury or finance committee.

IX. That any surveyor appointed under this Act may be at any time suspended or dismissed or his salary withheld for neglect or misconduct, at the pleasure of the Lord Lieutenant of Ireland, or by the grand jury at any presenting term; and in such case, and on every other vacancy, however occasioned, the grand jury at the next presenting term shall appoint a successor from and out of the persons who shall be from time to time certified to be qualified as aforesaid: Provided always, that in case of indisposition or other unavoidable cause, proved on oath to the satisfaction of the grand jury or of any three Justices of the Peace for the said county, such surveyor may depute another person, duly certified as hereinbefore mentioned, to act for him; and such deputy shall be removable in like manner as his principal.

X. That upon the death, removal, or resignation of any of the present collectors the grand jury of the said county shall at any presenting term appoint a proper person, not being a magistrate or attorney, to be collector for each barony in such county, to collect all money which shall be presented to be raised on such barony or any parish or townland therein, and also the proportion which such barony may be liable to pay towards the money presented to be raised on the county at large; and every such collector shall have all power and authority and shall exercise and perform all duties now or hereafter to be by law required of any high constable or collector: Provided always, that if any such collector shall happen to die before he shall have collected the whole of the money presented to be raised as aforesaid on such barony for which he shall be collector, or if any case of vacancy should occur, or if any collector shall become incapable of performing his duty by illness or otherwise, it shall be lawful for the finance committee for the said county to appoint another fit and proper person to be collector *pro tempore* until a collector shall be appointed by the grand jury as aforesaid.

XI. Provided and enacted, That no person shall act as collector unless he shall have given security before the acting foreman of the grand jury at some presenting term, or before some Justice of the Peace, being a member of the finance committee (if such collector shall have been appointed by the finance committee), by two sufficient sureties, to be approved of by the grand jury or finance committee, joining with him in executing a bond and warrant of attorney, without stamp, to confess judgment to the secretary of the grand jury, conditioned for his duly collecting and paying into the Bank of Ireland, to the credit of the finance committee, from time to time, so long as he shall continue collector, or till the grand jury shall otherwise determine, all such public money as he is or shall be required to collect, and that he shall at no time retain in his possession a larger sum than 100*l.*, and it shall be lawful for the grand jury to fix a sum not exceeding 1*s.* in the pound on the amount of the collection to be paid to each of the present collectors for his trouble therein, and a sum not exceeding 9*d.* in the pound on the amount of the collection to be paid to every collector hereafter to be appointed for his trouble therein: Provided always, that no presentment for the payment of such poundage, or any balance thereof, shall be made by any grand jury, or fixed by the Court, unless the warrant under which such collector has levied such public money shall be annexed to such presentment, nor unless such collector and his deputy respectively shall make affidavit before the acting foreman of the said grand jury that such public money has been fairly and impartially levied, and that no more than the sum authorized by the warrant has been collected, to the best of his and their knowledge and belief; and every collector as aforesaid may, by writing under his hand and seal, appoint a deputy collector or deputy collectors, for whom he shall be answerable, to assist him in

collecting the public money; and every such bond, and any judgment entered thereon, shall vest in and may be sued for by the secretary of the grand jury for the time being, who shall be entitled to continue the proceedings of any former secretary on filing a suggestion stating his appointment to such office, or on his making it otherwise appear to the Court in which such proceeding may be pending that he is the acting secretary.

XII. That every collector shall commence his collection with as little delay as possible after receipt of his warrant, and shall lodge the amount collected from time to time in the Bank of Ireland to the credit of the finance committee of the county, and shall not at any time retain in his hands more than 100*l.*, but shall lodge the same with all convenient expedition in the said Bank of Ireland, and shall attend the finance committee from time to time, and make up the accounts of his collection when and as such finance committee shall direct, and furnish them with a copy or vouchers of all receipts and lodgments; and in case of any inattention, neglect, or misconduct on the part of any such collector it shall be lawful for the said finance committee to suspend or dismiss such collector, and to appoint another person to act in his place in completing such collection, whereupon the said collector shall hand over his warrant, with a list of the persons whose grand jury cess may have been paid or may remain unpaid; and if such collector shall refuse or neglect for one week to deliver over such warrant and list as aforesaid, after being required so to do, he shall forfeit the sum of 20*l.*, to be recovered by civil bill, or before any Justice of the Peace, at the suit of the finance committee; and the person so appointed to act in the place of the collector so suspended or dismissed shall, after having entered into security as aforesaid, have and possess all the rights, powers, and privileges of a collector duly appointed by the grand jury under this Act until the first day of the then next presenting term, but no longer.

XIII. That it shall and may be lawful for the grand jury of the said county at any presenting term, application being previously made at presentment sessions as hereinafter directed, to present such sum or sums of money, to be raised off the county at large, as shall be necessary for building, rebuilding, enlarging, repairing, altering, hiring, furnishing, or fitting up any court house or sessions house therein, whether for any other purpose required by law, or for the purposes of presentment sessions under this Act; and whenever any presentment shall be made for any of such purposes, or any other public works, and the sum necessary to be raised for the same shall be greater than it may be proper to levy off the county at one time, then and in every such case it shall be lawful for such grand jury to present, in the first instance, the whole sum required for such purpose, and to direct in and by such presentment that the same shall be raised off the county by such half-yearly sums or instalments, and in such proportions, as to such grand jury may seem expedient, and the same shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent grand jury to present that any of the said instalments shall be increased to any sum that shall be found necessary or proper.

XIV. That if, in any town or place at which the Lord Lieutenant hath directed or may hereafter direct that a Quarter Sessions of the Peace, or any adjournment thereof, shall be holden for the despatch of civil or criminal business, there be not a sufficiently commodious or convenient sessions house, it shall be lawful to and for the said Lord Lieutenant to direct any architect or engineer as he shall deem advisable to prepare such specifications, maps, plans, sections, and elevations as may be necessary for the erection of a sessions house, therein expressing the nature and probable expense of the works, and the materials proper to be employed, and the same shall be delivered to the secretary of the grand jury, who shall lay the same, together with the copy of the warrant of the Lord Lieutenant, before the grand jury, at the presenting term next after the time at which he shall receive the same; and the grand jury shall examine such specifications, maps, plans, sections, and elevations, and such others as may be laid before them, and either adopt the same, or make such alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient sessions house shall be provided or built in such town or place within the period of one year from the last day of such presenting term, and that a sum not exceeding 1000*l.* shall be levied off the county for that purpose at one time, or by instalments to be completed within the period of five years; and the architect or engineer shall thereupon prepare a proper form of tender for the execution of such work, and shall deliver the same to the secretary of the grand jury, who shall forthwith advertise for tenders for the execution thereof, and shall lay the same, together with the presentment, and the specifications, maps, plans, sections, and elevations, as approved of by the grand jury, and the tenders for execution thereof, before the next adjourned presentment sessions holden for the county at large; and the tenders that shall be made for the execution of such works shall be opened at such sessions, and dealt with in all respects in like manner as any other tender for a work approved of and presented is: Provided always, that if such presentment shall not be made, and a valid contract for executing such work shall not be entered into, within the period of two calendar months from the last day of the presenting term in which such warrant shall have been laid before the grand jury, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in Ireland to build or provide such sessions house; and on the production to the grand jury at any presenting term of the certificate of the secretary of such Commissioners that a sum not exceeding the sum of 1000*l.* has been expended in building such sessions house and purchasing a site for the same, or for either of such purposes, the grand jury shall and they are hereby required to present the sum so certified to be levied off such county in one payment, and to be paid to the secretary of the said Commissioners, in satisfaction of the sum so expended: Provided also, that in case the said Commissioners of Public Works shall find it convenient to take a lease of any premises for the purpose of building such sessions house thereon, they shall be at liberty to do so, and to engage to pay an annual or other rent for the same, not exceeding the sum of 50*l.* per annum, and the grand jury shall and they are hereby required from time to time to present a sum equal to the amount of such rent, to be levied off the county, and paid in discharge of the same.

XV. That it shall be lawful for the secretary of the grand jury, under direction of any presentment sessions for the county at large, to advertise in the public newspapers for surveys, specifications, maps, plans, sections, and elevations from professional engineers and architects, for the erection, alteration, and repair of such buildings as may be required for the public use of the county, or for the construction of any bridge or other public work, the probable cost, of which shall exceed 1000*l.* and to offer a sum not exceeding 50*l.* as remuneration to the engineer or architect whose plans shall be approved of; and it shall be lawful for the grand jury to make presentment of such remuneration, and to employ such engineer or architect,

should they judge it necessary, in superintending the work to be executed pursuant to his plan, on such terms as may be determined by the grand jury.

XVI. That whenever any presentment shall be or has been made for the purpose of building a new or enlarging any court house or sessions house in and for the said county, it shall be lawful for the grand jury of the said county to authorize such Commissioners as such grand jury shall appoint to contract and agree with any person or persons, or body or bodies corporate or politic, for the purchase or renting of any houses, buildings, lands, tenements, or hereditaments convenient for the site of any new court house or sessions house, or adjoining to any old court or sessions house, and convenient for the purpose of enlarging the same or the courts or outlets thereunto belonging; and the lands, tenements, or hereditaments so contracted or agreed for shall be demised or conveyed to such Commissioners, and to their heirs, executors, administrators, and assigns, in trust, for the uses and purposes aforesaid; and such Commissioners shall be appointed and such demise or conveyance made in such manner and under such and the like rules and regulations as are prescribed in an Act, 7 Geo. 4. c. 74, intituled, 'An Act for consolidating and amending the Laws relating to Prisons in Ireland,' with respect to the appointment of Commissioners, and the demising and conveying of any lands, tenements, or hereditaments to such Commissioners, under that Act: Provided always, that in case such Commissioners shall be unable to agree with the owners of any lands, tenements, or hereditaments proper or necessary to be purchased for the purposes of any such presentment, and if the grand jury by which such presentment shall have been made, or any subsequent grand jury, shall direct that the same be purchased or rented by and under the valuation of a jury, it shall be lawful for the Commissioners appointed as aforesaid, or any three or more of them, to issue their warrant to the sheriff, in the manner directed by the said Act, 7 Geo. 4. c. 74, and thereupon such and the like proceedings shall and may be had and taken for summoning, impanelling, and swearing juries, and valuing the premises so directed to be purchased or rented, and each and every part thereof respectively, and for obtaining the full possession and seisin thereof, and a good title thereto, in the said Commissioners, and with and subject to all the same rules, regulations, conditions, and jurisdictions as in the said Act provided concerning any premises to be purchased by such valuation under the aforesaid Act, 7 Geo. 4. c. 74; and the said Commissioners shall in that behalf have, possess, and exercise all and every the like powers and authorities as by the said Act are granted to and vested in the Commissioners therein mentioned; and it shall be lawful for any such or any subsequent grand jury to present the sum so agreed upon or fixed as the purchase money of such premises, and the costs attending such purchase, to be levied off such county, either at one time or by half-yearly instalments, in such manner as they may think proper; and such presentment may be made without any previous application to any presentment sessions.

XVII. That it shall be lawful for the grand jury of the said county and they are hereby required to present at each presenting term, without previous application at presentment sessions, to be raised upon such county, all such sum or sums of money as shall be necessary for paying such rent or rents of any court house or sessions house, or their appurtenances respectively, as now are or shall at any time hereafter be payable for the same.

XVIII. That it shall be lawful for the Commissioners appointed as aforesaid by any grand jury of the said county to sell and dispose of or to authorize the sale and disposal of any old court house or sessions house belonging to the said county in which the sessions have been discontinued or have ceased to be held, together with the ground or site on which the same is built, according to the title or interest which the county may have in the same, and also to sell and dispose of or to authorize the sale and disposal of all or any part of the materials of which such old court house or sessions house may be composed; and the money arising therefrom shall be paid to the credit of the finance committee of such county, and applied to defray the purchase-money of any premises required for the erection of any new court house, or to the erection of such new court house, or such other purposes connected with the county at large as any other public money raised off such county, and coming to the credit of such finance committee, may be applied.

XIX. That it shall be lawful for the grand jury of the said county, at any presenting term, without any previous application to presentment sessions, to present, to be levied off such county at large, such reasonable sum or sums as they shall think proper, for providing fuel or light for each and every or any court house or sessions house in or belonging to such county; provided that no sum so presented shall be paid by the finance committee of such county until the person to whom any such sum so to be presented for fuel shall be payable under such presentment shall prove, to the satisfaction of the said finance committee, by an affidavit sworn by him before some Justice of the Peace, or by other evidence, that the sum required to be paid hath been duly expended in the purchase of fuel for the use of such court house or sessions house, pursuant to such presentment, and that the whole of such fuel hath been consumed in the said court house or sessions house, and for the use and benefit thereof, or, if any part of such fuel shall not have been consumed, stating how much thereof has been consumed, and that the residue then remains in safe keeping, to be applied to the use of the said court house or sessions house in like manner.

XX. That it shall be lawful for the grand jury of the said county to present, to be levied off the county at large, for each of the places wherein petty sessions shall be appointed to be held, an annual sum not exceeding 10*l*. for the rent of a room or rooms for the holding of petty or presentment sessions thereat, and of a lock-up room or house: Provided always, that such room or rooms shall not be in a house where spirituous or fermented liquors are sold, nor in any police barrack, nor in any other building maintained either wholly or in part at the public expense: Provided also, that whenever a public court house shall have been built and provided at any place so appointed, no such presentment shall be made, but the petty and special sessions shall be holden in such public court house, and not elsewhere: Provided also, that it shall be proved, to the satisfaction of the county presentment sessions where application shall be made for such rent, that six meetings of Justices, during the six months immediately preceding such application, have been held in such room or rooms.

XXI. That it shall be lawful for the grand jury of the said county to present, without any previous application at sessions, to be levied off such county at large, any sum not exceeding 20*l*. for the court keeper of Kilmainham, and not exceeding 8*l*. at each presenting term, as a salary or payment for the keeper of any other sessions house belonging to such county where

the General Quarter Sessions of the Peace are held, and for any sum not exceeding 10*l.*, at each presenting term, for an interpreter, if such payment shall be recommended by the Court.

XXII. That it shall be lawful for the grand jury as aforesaid (application being previously made at presentment sessions) to present, to be raised off the county at large, any sum or sums of money for making or repairing a gallows, or for bolts and shackles, not exceeding in the whole in any one year the sum of 20*l.*, and also for erecting or repairing direction posts, milestones, mile posts, or depôts for materials, not exceeding 1*l.* for each direction post, milestone, mile post, or depôt, also the necessary expenses incurred in printing the several notices and other documents, accounts, and abstracts herein directed or authorized by the grand jury at any presenting term, and sanctioned by the Court, to be printed.

XXIII. That where any fever hospital or dispensary for the purpose of furnishing medicine and affording medical and surgical aid to the poor of any town or place in the said county is now or shall be hereafter established in such county by private subscriptions or donations, and a certificate of the sum or sums of money actually received by the treasurer of such fever hospital or dispensary from private subscription or donation since the last application to presentment sessions, or since the establishment of such fever hospital or dispensary, and a statement of the number of persons admitted or relieved, together with an account of the receipt and disbursement of all monies raised by virtue of any presentment for such fever hospital or dispensary, as well as of all monies actually received from private subscription or donation for the use of such fever hospital or dispensary, since the date of such last application or establishment, shall have been laid before the presentment sessions ensuing the disbursement thereof, and such certificate and account, verified upon the oath of such treasurer, shall, together with the application for a presentment for such fever hospital or dispensary, have been allowed and approved of at such sessions, it shall be lawful for the grand jury of the said county at any presenting term to present, to be raised off the said county, or any barony or baronies thereof, as to such grand jury shall seem fit, in case of a fever hospital a sum not exceeding double the amount, and in the case of a dispensary a sum not exceeding the amount, of such private subscriptions or donations so received, to be paid to the treasurer of such fever hospital or dispensary, and applied (under the direction of the subscribers of any annual sum of not less than 1*l.* 1*s.*, or such committee of them, not fewer in number than five, as they shall appoint for that purpose at any general meeting of such subscribers), together with the monies received by private subscription and donation, in fitting up and supporting such fever hospital or dispensary, and in providing medicine and medical and surgical aid for the poor of such place and its neighbourhood: Provided always, that when any fever hospital shall be attached to any dispensary the treasurer of the same shall separate the accounts of the receipts and expenditure of each such fever hospital and dispensary, and the application for presentments for each shall be separate and distinct; provided also, that no such presentment shall be made unless it shall appear by the certificate of such treasurer, verified as aforesaid, that the medical attendant, if appointed after the 1st of January 1845, resided since the creation of such dispensary or hospital, or since the last presenting term, (as the case may be,) at or within one statute mile of such dispensary or hospital.

XXIV. That whenever it shall be made appear by statement on oath to the grand jury of the said county that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of fever patients, and either connected with any local dispensary or not, as the case may happen, and upon a certificate by one or more physicians that there is a necessity for providing accommodation for such patients, it shall and may be lawful for such grand jury to present, to be raised off such county at large, any sum not exceeding double the amount of the sum or sums so raised by donation or subscription, and actually received by the treasurer, to be applied, together with the monies so received by private donation or subscription, in erecting such house for fever patients, in such manner as the subscribers of any sum not less than 1*l.* 1*s.*, or such committee of them, not fewer than five, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: Provided always, that the affidavit and certificate herein mentioned shall, together with the application for such presentment, have also been laid before the presentment sessions, and approved thereat; provided also, that an account of the receipt and expenditure of such fever hospital from the time of its establishment to the time of the first presentment required, and afterwards from the time of each presentment required till the time when any further presentment is required, shall, together with an application for the sum so proposed to be presented, be laid before the presentment sessions to be holden under this Act for the purpose of considering applications for presentments, and that such account and application shall be approved at such sessions.

XXV. That where any ward or wards for the reception and support of idiots and incurable insane persons is or may be established in conjunction with or under the direction of any lunatic asylum connected with the said county, it shall and may be lawful for the grand jury at each presenting term, without previous application at sessions, to present such sum or sums, not exceeding the sum of 100*l.*, as shall appear to be necessary for the support of such ward connected with such lunatic asylum; and such sum shall be raised off the county at large, or off any barony or baronies thereof, as the grand jury shall direct.

XXVI. That whenever the Lord Lieutenant of Ireland shall at any time have ordered any sum or sums of money to be advanced out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment of the expenses incurred by any Commissioners appointed by such Lord Lieutenant or other Chief Governor or Governors, to form a board of health in any town or district within the said county, it shall be lawful for the grand jury and they are hereby required to present, without previous application to presentment sessions, all sums so advanced to be raised off such county, or any barony or baronies thereof: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, if they shall think fit, to direct that such sum shall be repaid by such instalments as they may think proper.

XXVII. That at any time after any order in council shall be made by the Lord Lieutenant of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, under and by virtue of the provisions of an Act, 1 & 2 Geo. 4. c. 33, intitled, 'An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in Ireland,' or any Act or Acts amending the same, and after such order shall have been

published in the *Dublin Gazette*, it shall and may be lawful for the grand jury of the said county at any presenting term to present, without previous application to presentment sessions, such sum or sums of money, to be raised off such county at large, or any barony or baronies thereof, as shall be requisite for defraying the expenses of erecting and establishing an asylum for the lunatic poor, or for erecting any ward for the reception of idiots or incurable lunatics for such district or any proportion thereof, ascertained by any order made by the said Lord Lieutenant and Privy Council.

XXVIII. That it shall be lawful for the grand jury of the said county, without previous application at presentment sessions, to present, at each presenting term, to be levied off such county at large, or barony or baronies thereof, such sum or sums of money as shall be necessary for the expenses of supporting, supplying, and maintaining any such asylum, or the officers thereof, or the patients therein, or any proportion of such expenses, ascertained by order of the said Lord Lieutenant and Privy Council, under the provisions of the said last-recited Act.

XXIX. That whenever the Lord Lieutenant of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, shall, under the provisions of the said last-recited Act, or any Act amending the same, have ordered and directed any sum or sums of money to be advanced, issued, and paid out of the growing produce of the said Consolidated Fund arising in Ireland for the purpose of erecting and establishing, opening, carrying on, enlarging, maintaining, or supporting, any such asylum, the grand jury of the said county shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to present at each presenting term, without any previous application at presentment sessions, such sum or sums of money, to be levied off such county at large, as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof, at such times and in such proportions as shall be directed and ascertained by any order or orders to be made by such Lord Lieutenant in council as aforesaid.

XXX. That in each and every case when the Commissioners appointed for general controul and correspondence, and for the superintending and directing the erection, establishment, and regulation of district lunatic asylums, shall have rented or purchased any houses, buildings, lands, tenements, or hereditaments on the site or sites of which it shall be proposed to erect or maintain any such asylum for the said county, it shall be lawful for the grand jury of the said county, and such grand jury are hereby required, at the presenting term next ensuing the day or time when such purchase shall be made or such rent shall become due, or as soon after as shall be requisite, and so from time to time whenever the case shall happen, to present, without previous application to presentment sessions, to be levied off such county at large, such sum or sums of money as they shall be directed to present by the Lord Lieutenant of Ireland in council as aforesaid, for the purpose of completing such purchase or paying such rent or rents.

XXXI. That it shall be lawful for the grand jury of the said county, at each presenting term, to present any sum not exceeding in the whole the sum of 100*l.* for each and every coroner in such county, to be levied off such county at large, or any barony therein, as such grand jury shall think advisable; and such grand jury shall apportion the whole of such sum so presented among the several coroners of such county according to the number of inquests which may appear to have been respectively held upon the body of any person by each of such coroners since the date of the last application for a presentment; and such sums shall be paid to the coroners respectively who shall have held such inquests, and for whom such sums shall have been presented: Provided always, that no coroner shall receive more than at the rate of 1*l.* 10*s.* for each inquest so held by him.

XXXII. Provided and enacted, That it shall not be lawful for any grand jury to make any presentment for any such remuneration to any such coroner, unless, together with the application for the same at the county presentment sessions, there be laid before such sessions a certificate of each inquest respectively taken by such coroner made and signed by such coroner, in the form following:—

'I *A. B.*, a Coroner in the County of *Dublin*, do hereby certify, That on the _____ Day of _____ I held an Inquest on the Body of *C. D.* at _____ in this County, and that the Names of the Jurors impanelled on such Inquest were as follows;
'and that the Names of the Witnesses examined before such Jurors were as follows;
'and that the Verdict of such Jury was _____
'All which I certify. Dated this _____ Day of _____

A. B., Coroner of this County.'

And it shall be lawful for such sessions or the grand jury in case they shall so think fit, to examine any such coroner upon oath as to matters relating to said inquest, or as to the truth of any such certificate.

XXXIII. That whenever any coroner shall deem it necessary to hold any inquest, and shall summon any medical witness to attend the same, he shall summon such legally qualified medical practitioner as shall reside nearest to the place where such inquest is to be taken, unless there be some sufficient reason to the contrary.

XXXIV. That for payment and remuneration of every medical witness who, having been summoned by any coroner as aforesaid to attend at any inquest, shall attend same, and, pursuant to the directions which he shall receive from such coroner, shall examine any dead body, and give evidence upon the inquest taken thereon, it shall be lawful for the said coroner and he is hereby empowered to sign and issue to such medical witness, upon obtaining his receipt for same, an order upon the finance committee of the county of Dublin for the sum of 1*l.* 1*s.*, and no more, for such attendance, examination, and evidence as aforesaid; and if it should appear necessary to such coroner that a post-mortem examination should be made by any such medical witness, it shall be lawful for such coroner to order and direct that such post-mortem examination shall take place; and such coroner shall and may in like manner sign and issue to such medical witness, for every such post-mortem examination and evidence, an order upon the finance committee as aforesaid for the further sum of 1*l.* 1*s.*, upon obtaining a like receipt; but in no case shall any coroner sign or issue to or for any medical witness, for or on account of any one inquest, any order for a greater sum than the sum of 2*l.* 2*s.*; and the amount of all such payments shall be presented by the grand jury, to be raised

off the county at large, or any barony thereof, in like manner as the same presented for the inquest whereat such parties may attend: Provided always, that the coroner shall certify to the presentment session of the barony in which the inquest was held the amount and particulars of all sums so by him ordered to be paid.

xxxv. Provided and enacted, That it shall not be lawful for any grand jury to present any money to be paid to any coroner who shall appear to them to have been guilty of neglect of duty in not attending to take any inquest, or otherwise, nor in any case to present any money for the remuneration of any coroner for or in respect of any inquest other than such as shall have been held since the date of the application for the last presentment.

xxxvi. That it shall be lawful for the grand jury of the said county at each presenting term, and they are hereby required to present, to be levied off the county at large, or off any barony or half barony or any portion of a barony (as the case may be), all and every such sum or sums of money as may be chargeable upon and directed to be presented and levied off such county, barony, half barony, or portion of a barony, by and under the provisions of any Act or Acts for the appointment, maintenance, and regulation of the constabulary force in Ireland; and every such presentment shall be made without any previous application to presentment sessions, and in all respects pursuant to the regulations of the said Acts or such of them as may be applicable to the case; and the money levied under every such presentment shall be paid over in such manner and to such bank or person as the said Commissioners of Her Majesty's Treasury, or any three or more of them, shall direct, save and except in the case of the superannuations hereinafter and by the said Acts, or any one of them, directed to be paid to the parties entitled to the same: Provided always, that nothing herein contained shall extend or be construed to extend to authorize any grand jury to present any sums of money for the maintenance or support of the constabulary to be raised off such parts of the said county as are assessed for the support of the metropolitan police, and exempted from assessment for the constabulary under an Act, 1 & 2 Vict. c. 25, for the regulation of the metropolitan police of Dublin.

xxxvii. That whenever the Lord Lieutenant of Ireland shall, under and by virtue of the provisions of an Act, 5 Geo. 4. c. 28, intituled 'An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in Ireland,' or under the provisions of any other Act, have ordered any sum or sums of money to be paid and advanced, out of the produce of the Consolidated Fund of Great Britain and Ireland arising in Ireland, as an annual remuneration or superannuation to any chief constable, constable, or sub-constable disabled by any maim, wound, or hurt, or other grievous injury received by him in the execution or performance of the duty of his office, and to be defrayed by the said county of Dublin, or any barony thereof, it shall and may be lawful for the grand jury of the said county, and such grand jury is hereby required, upon the production of the certificate of the chief secretary of the Lord Lieutenant for the time being, or of the under secretary, of the amount of the sum or sums so paid and advanced out of the Consolidated Fund for the superannuation of such constables, to present (without previous application to presentment sessions) one moiety of such sum or sums so paid, advanced, and certified as aforesaid, to be levied off such county or barony; and the same when levied shall be paid over in such manner and to such bank or person as the Commissioners of Her Majesty's Treasury, or any three or more of them, shall direct.

xxxviii. That it shall be lawful for the grand jury of the said county and they are hereby required to present (without previous application to presentment sessions), to be raised off the county at large, such yearly allowance, superannuation, compensation, gratuity, or remuneration as the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being shall order, or at any time have ordered, to be paid by such county, or such proportion thereof as he or they shall direct or have directed to be paid to any magistrate, inspector, deputy inspector, county inspector, sub-inspector, chief constable, constable, or sub-constable, who has been or shall hereafter be superannuated by virtue of the provisions of any Act or Acts now in force authorizing such Lord Lieutenant or other chief governor or governors to grant such superannuation; and such allowance, superannuation, compensation, gratuity, or remuneration shall be presented during the life of each person so entitled thereto, on proof to the grand jury from time to time that such person is living.

xxxix. That when in the said county any special constable shall have been appointed by virtue of an Act, 2 & 3 Will. 4. c. 108, intituled 'An Act for amending the Laws in Ireland relative to the Appointment of Special Constables and for the better Preservation of the Peace,' and the Justices of the Peace of such county, acting at a special sessions held for that purpose, or the major part of them, shall, in pursuance of the powers given to them by the said Act, have made any order or orders upon the finance committee for the payment to such special constables of a reasonable allowance for their trouble and loss of time, or to defray expenses incurred in providing staves or other necessary articles for such special constables, it shall and may be lawful for the grand jury of such county, and such grand jury is hereby required, to present (without previous application to presentment sessions), to be raised off such county at large, or any barony thereof, within which such special constables may have served, the amount of all sums paid by the finance committee pursuant to such order or orders.

xl. That where any person shall have been tried for any felony or misdemeanour whatsoever committed or alleged to have been committed in the said county of Dublin, it shall be lawful for the Court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, and cause for the same being defrayed by the county of Dublin, to order the finance committee of the said county (to pay to the prosecutor, upon his application, such sum of money as to such Court shall seem reasonable, not exceeding the expenses which it shall appear to the Court that such prosecutor may have *bond fide* incurred in carrying on such prosecution; and in case such prosecutor shall appear to the Court to be in poor circumstances, such Court may make a further reasonable allowance to such prosecutor for trouble and loss of time, which order the clerk of the Crown or clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such prosecutor, without fee or reward; and when any person shall appear on recognizance or subpoena to give evidence as to any felony or misdemeanour whatsoever committed or alleged to have been committed in the said county of Dublin, whether the prosecution of such felony be commenced or carried on by or under the direction of any law officer of the Crown, or any other person, it shall be lawful for the Court before which such person shall appear, whether any bill of indictment be preferred or not to any grand jury, in case such person shall have *bond fide* attended in obedience to such recognizance or subpoena, to order the finance committee of the said county to pay unto such person such sum of money as shall seem reasonable, not exceeding the expenses which it shall appear that such person has *bond fide* incurred by reason of the said

recognizances or subpoenas; and in case such person shall appear to be in poor circumstances, such Court may make a further reasonable allowance to such person for trouble and loss of time, which order the clerk of the Crown or the clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such person; and such finance committee is hereby authorized and required to pay to any such prosecutor or witness respectively, or to any person by him or her authorized, any such sum of money so ordered; and the grand jury of the said county shall, at each presenting term, present all sums so paid to such prosecutors and witnesses respectively, to be raised either off the county at large, or upon any barony thereof, as to such grand jury shall seem fit; and such presentment may be made without any previous application to presentment sessions.

XLII. That if it shall appear that any person, having given information or evidence against any person or persons charged with any offence against the public peace, shall have been murdered or maimed within the said county of Dublin, previous to the trial of the person or persons accused by such information or evidence, or of any of them, or on account of any such evidence given, or that any magistrate or other peace officer shall be murdered or maimed on account of his exertions as such magistrate or peace officer to bring disturbers of the public peace to justice, it shall and may be lawful to and for the grand jury of the county to present, upon the recommendation of the Lord Lieutenant, and without previous application at presentment sessions, such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of such witness, magistrate, or peace officer so murdered, or to such witness, magistrate, or peace officer so maimed, having regard to the rank, degree, situation, and circumstances of such witness, magistrate, or peace officer; such money to be raised off the county at large, or the barony in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury.

XLIII. That it shall be lawful for the grand jury of the said county, at any presenting term, if they shall think fit, to present without any previous application at sessions, any sum of money not exceeding the sum of 20*l*. for each and every person who shall apprehend and prosecute to conviction any person guilty of any murder, and any sum not exceeding 10*l*. for each and every person who shall apprehend and prosecute to conviction any person guilty of any other capital felony, or of any misdemeanour, for which any person on conviction may be liable to be transported; such sum or sums to be raised off such county, or any barony thereof, as such grand jury shall think proper, and to be paid to any prosecutor or prosecutors of such offenders as aforesaid; and such presentment may be made during the time appointed for transacting the criminal business of such county.

XLIV. That upon the removal of any prisoner apprehended according to law in any other part of the United Kingdom, and charged with any offence committed within the said county of Dublin, it shall be lawful for the finance committee of the said county, upon being satisfied that such expenses are reasonable in amount, and fairly chargeable upon the said county of Dublin, to repay out of any funds to their credit, the expenses attending the removal of such prisoner; and the grand jury of the said county shall, at the next presenting term, present the amount so paid to be raised off the county at large; and such presentment shall be made without any previous application to presentment sessions.

XLV. That where, either previous to or after the 1st of January 1845, any child under the age of two years shall have been or shall be left exposed and deserted in any parish in the said county, and an application shall have been made by any two cess-payers, with the approval of two or more Justices at petty sessions assembled, and such application shall likewise have been approved at the presentment sessions for the barony in which such parish shall be situate, it shall be lawful for the grand jury of such county to present, to be levied off such parish or any portion thereof, any sum not exceeding 5*l*. in the year for the maintenance of such child; and such sum so levied shall be paid to the cess-payers making such application, or such other person or persons as the grand jury shall direct, to be by them applied for the purposes aforesaid: Provided always, that if the baronial presentment sessions shall not approve of any such application, or the grand jury of such county shall refuse or neglect to make such presentment, it shall be lawful for any Judge of the Queen's Bench, upon the complaint of such cess-payers, to order such sum as he shall think fit, not exceeding 5*l*., to be raised upon such parish or portion thereof (in the same manner as any money presented by grand juries), for the support of such child, and to be paid in like manner as hereinafter provided for: Provided also, that in no case shall any sum be presented for the support of any such child after it shall have attained the age of twelve years.

XLVI. That all county and other officers and persons mentioned and specified in the Schedule No. 15. to this Act annexed shall, from and after the 1st of January 1845, be paid and remunerated for their respective duties, services, and expenses by annual salaries, payable half-yearly by the finance committee, by equal moieties, and not exceeding the amount mentioned in the said Schedule; and the grand jury at any presenting term shall and may present (without previous application to presentment sessions) for each such officer, to be raised off the county at large, the amount of such annual salary as shall be agreed upon by said grand jury: Provided always, that in case of any negligent or insufficient discharge of duty by any such officer or officers, it shall and may be lawful to and for any grand jury, with the express sanction of the Court, but not otherwise, to present any sum or sums less in the whole than the annual salary by this Act specified to be paid to any such officer or officers, or to withhold and refuse to make any presentment whatever for any such officer or officers: Provided always, that on any vacancy occurring in the said offices, as set forth in Schedule No. 15. of this Act, either by death or otherwise, the person or persons appointed to fill said offices shall be paid according to Schedule (S.) in the Act, 6 & 7 Will. 4. c. 116.

XLVII. That before any clerk of the Crown or clerk of the peace and other officer in the said Schedule set forth shall be entitled to receive such salary as is hereby provided, he shall at each presenting term lay before the grand jury an account, verified on oath, and sworn and read in open court, setting forth the total amount of his fees and other emoluments, and distinguishing the several sums paid and received under each separate head of service, and the rates of fees or remunerations received on each; and it shall not be lawful for any grand jury to present any salary to be paid to any clerk of the peace unless it shall appear to them that he has given security, by recognizance, in the sum of 1,000*l*., for the due and faithful execution of his office of clerk of the peace, and that such recognizance has been duly deposited or recorded.

XLVII. That in case at any time a special commission shall be held within the said county for the trial of offenders, the grand jury, at the presenting term next immediately ensuing, shall and may, without previous application to presentment sessions, make a further presentment for the clerks of the Crown, sheriffs and judges' crier, not exceeding one-fourth of their annual salary, subject nevertheless to the like direction as hereinbefore given to any grand jury in case of neglect or insufficient discharge of duty by any officer.

XLVIII. That the presentments to be made under this Act for the secretaries of the several grand juries shall be in full acquittance of all demands to be made by such secretaries for stationery, which such secretaries shall be bound to furnish to the several grand juries without further charge, not however including the expense of printing herein specially provided for; such stationery however shall not be understood to include any books, notices, or abstracts which may be herein required, or which may be necessary for keeping the several accounts of the county; and it shall be lawful for the grand jury to present such sum or sums as may be necessary for defraying the expense of same.

XLIX. That it shall be lawful for the grand jury of the said county at each presenting term, without previous application to any presentment sessions, and they are hereby required to present all such sum or sums of money as may be necessary to defray the expense of providing and printing all such registry books and lists of registered voters as are or shall be required to be provided and printed by the several Acts now in force for regulating the election of members to serve in Parliament in Ireland, to be paid to the person or persons who shall have contracted for supplying and printing such books or lists, such sums to be raised off the county at large.

L. That it shall be lawful for the grand jury of the said county to present, to be raised off such county at large, the expense of providing and transmitting such copies of the imperial standard weights and measures, and the stamps to be used by the inspectors of weights and measures, as they are respectively directed to provide and transmit under and by virtue of an Act, 5 & 6 Will. 4. c. 63, intituled 'An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.'

LI. That it shall be lawful for the grand jury of the said county to present, to be levied off such county at large, without previous application at presentment sessions, such sum or sums of money as may be necessary, or shall have been expended under the direction of the Judges of the Court of Queen's Bench, or any grand jury or any finance committee, for or in suing any treasurer, high constable, or collector of any public money, or any of their sureties, executors, or administrators, for any misconduct, breach of duty, or non-payment, or for recovering any public money from any treasurer, high constable, or collector, or their sureties, executors, or administrators, or for suing any contractor under this Act, or under any Act, in force in Ireland at the time of the passing of this Act, his sureties, executors, or administrators, for any breach of contract, or any other necessary costs attending grand jury business: Provided always, that no such presentment shall be made unless there shall have been laid before such grand jury a bill, duly taxed and certified by the proper taxing officer, of the costs incurred for any of the purposes aforesaid, for which such presentment shall be required, nor unless it shall be proved that such costs could not be received from the person sued, or any other person liable to pay the same, and that the proceeding was instituted by the direction of the Judges of the Court of Queen's Bench, or a grand jury at some previous presenting term, or the finance committee.

LII. That whenever the Lord Lieutenant of Ireland, by virtue of the powers and authorities given to him by an Act, 7 Geo. 4. c. 62, intituled 'An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the Purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively,' and any Act amending the same, shall have ordered and directed any sum or sums of money to be advanced out of the produce of the Consolidated Fund of the United Kingdom arising in Ireland, for the defraying of the salary or the travelling or other expenses of any Commissioner of valuation, or for defraying the allowances of any valuers appointed under the provisions of the said recited Acts, or any of them, for purposes appertaining to the valuation of the said county, it shall and may be lawful for the grand jury of the said county, and they are hereby authorized and required, on the production of the certificate of the chief secretary of such Lord Lieutenant, or of the under secretary, of the amount of money advanced and paid as aforesaid, to present, (without previous application to presentment sessions), to be levied off the county, or any barony or baronies therein, the amount of the sum or sums stated in such certificate, in such manner and in such proportions as the said Lord Lieutenant shall direct; and when and so soon as the sum or sums so to be presented as aforesaid shall be raised and received, it shall be paid over by the finance committee in such manner, and to such bank or person, as the said Commissioners of Her Majesty's Treasury shall direct.

LIII. That it shall be lawful for the grand jury of the said county, application having been previously made at presentment sessions as hereinafter directed, to present such sum or sums of money as may be necessary for lowering any hill, or filling up any hollow, or both, on any public road, and for making the road thereon, with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of, or to prevent any steep banks of earth from falling upon, any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes on the side of any public road, to be raised either off the county at large, or off the barony or baronies in which the same may be locally situate.

LIV. That where a river or stream or where any road is the boundary between the county of Dublin and any other county, so as that one side of such road shall be in the said county and the other side in another county, it shall not be lawful for the grand jury of either county to present, to be raised on either county, or upon any barony of either county, more than one-half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge, pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such presentment shall be allowed, unless an equal sum shall have been presented to be raised for the said work on the adjoining county, or some barony thereof.

LVI. That it shall be lawful for the grand jury to present any part of any public road to be widened to any breadth not more than fifty feet in the clear, or to narrow such roads as the surveyor may report to be unnecessarily wide, and to present all such sum or sums of money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up any grips or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dykes or holes on the sides of any public road, or turning the backs of ditches to any road, or for making, widening, or deepening drains on the side of any such road, and carrying off the water therefrom, or for making any barony pounds, to be levied off the barony or baronies where the same shall be situate, and, on a requisition signed by any twenty rate-payers in any parish, to present any sum not exceeding 20*l.* for erecting a parish pound within any such parish, and such pound when so made shall be to all intents and purposes a good, sufficient, and lawful pound, and the sum so presented shall be apportioned and levied upon such parish.

LVII. That it shall be lawful for the grand jury of the said county at any presenting term to present any footpath to be made or repaired along the side of any road for which they may have authority to make presentment, and to present such sum or sums of money as may be necessary for making or repairing the same, to be levied off the barony or baronies in which such footpath shall be locally situate.

LVIII. That it shall be lawful for the grand jury of the said county to present any public road within such county, or any part of such public road, or any footpath upon the side of such road, to be gravelled or repaired with broken stone, or the battlements of any bridge upon such road to be kept in sufficient order and repair, by contract, for any space of time not exceeding five years, and also from time to time to present such sum or sums of money as shall be necessary for the execution of any of the above-mentioned works, and the payment of the person or persons with whom such contract for the execution of the same shall have been made, to be levied or raised off any barony or baronies in which such road may be locally situate, and when it passes through more than one barony then proportionally on each barony: Provided always, that in case it shall appear to any district surveyor, at any time during the continuance of any contract for keeping any road in repair, that such road is not in proper repair, he shall require the contractor to put the same in repair; and if such contractor shall neglect to do so within ten days after he shall have been so required, such surveyor shall cause the same to be repaired, and the expense thereof shall be deducted and repaid out of the sum which would be payable to such contractor if the road had been kept in proper repair.

LXIII. That it shall be lawful for the said grand jury at any presenting term to present any new road to be laid out and made of any width not less than sixteen feet nor more than fifty feet in the clear, and to present all such sum and sums of money as shall be necessary for laying out, or for forming, levelling, and draining, or for gravelling, paving, and making the same, and also for making fences thereto, to be levied on the barony in which the same shall be situate, and when it passes through more than one barony then proportionally on each barony: Provided always, that no presentment shall be made for laying out any such new road, unless, together with the application therefor, a map of such intended new road has been lodged with the secretary of the grand jury ten days at least before the day for holding the first presentment sessions previous to each presenting term in such county, and that a notice, setting forth that an application is intended to be made for a presentment to lay out such new road, (distinguishing the several townlands and baronies through which it is intended to be carried, with the number of perches in length through each townland,) has been personally served upon or left at the house of each occupier of the land through which such new road is intended to be made fifteen days at least before the day of holding such sessions, nor unless it shall appear that no part of such new road is to be made through any park inclosed with a wall built of lime and stone or bricks five feet high or more, without the consent of the owner thereof, and that no part thereof is to be made through any house entirely built with lime and stone or bricks, or through any office belonging to any person inhabiting a house so built, without the consent of such person.

LIX. That it shall be lawful for any person or persons to survey and measure any line intended for a new road for which a presentment is to be applied for, and for that purpose to enter in and upon any lands or premises through which such intended line may pass; provided, that such person or persons shall be thereunto authorized by a certificate in writing under the hand of one of the district surveyors, stating that such survey and entry to make the same is proper, and that such certificate shall be allowed by two Justices of the Peace for the said county, such allowance being signified under their hands by indorsement upon such certificate.

LX. That it shall be lawful for any two Justices of the Peace of the said county, upon the application of any of the district surveyors, to forbid any person or persons from riding or driving any kind of beast or carriage on any new road for such space of time as shall to them appear necessary, not exceeding six months after such new road shall have been made; and any person who shall wilfully disobey such order, the same being duly notified by a notice affixed to a board or boards erected upon such road, shall be liable to be fined any sum not exceeding 20*s.* for each offence, to be imposed by any Justice of the Peace of the said county, on his own view, or on the evidence of any one competent witness, and levied off the goods and chattels of such offender by warrant under the hand and seal of such Justice.

LXI. That it shall be lawful for the grand jury of the said county, after application made and approved of at the preceding presentment sessions, to present any old road in the said county which may appear to them to be useless to be stopped up, to every which presentment it shall be lawful for any person to enter a traverse at the then or the next presenting term; and if such traverse shall not be tried within a year after such presentment shall be made, and a verdict had in favour of such traverse, the presentment shall stand good and valid to all intents and purposes.

And after reciting that it is expedient that provision should be made for the more speedy and effectual repair of roads upon which Her Majesty's mails are carried:—

It is Enacted,

LXII. That it shall be lawful for the Commissioners acting under and in execution of an Act, 1 & 2 Will. 4. c. 33, intituled, 'An Act for the Extension and Promotion of public Works in Ireland,' or any other Act for amending the same, upon the application of Her Majesty's Postmaster General for the time being, setting forth and describing the line of any such road, or

the portion of any such road, in the said county of Dublin, which may stand in need of repair, by and with the consent of the Lord Lieutenant or other chief governor or governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, gullet, or wall thereon, to be forthwith put into good and sufficient repair accordingly, under the superintendence of one of the county surveyors; and that upon the application of the said Commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes aforesaid, it shall and may be lawful for the Lord Lieutenant of Ireland to direct, by his warrant, that the sum or sums of money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said Commissioners in manner aforesaid.

LXIII. That in all cases in which, under the powers vested in them by law in that behalf, the Commissioners of Public Works in Ireland shall agree with the grand jury of the county of Dublin to grant one moiety of the expense of any road or other public work, on such grand jury bearing the payment of the other moiety thereof by presentment, it shall and may be lawful to and for the said Commissioners either to execute the said work by persons employed by them, or to permit such grand jury to cause the same to be executed in the manner required by the said recited Act or this Act in other public works of the like nature: Provided always, that it shall not be lawful for such grand jury in any case to make a presentment for payment of such moiety, except after and upon an application for such work duly made to and approved at a presentment sessions in the manner required by the said Act.

LXIV. That whenever the said Commissioners of Public Works in Ireland shall, under the provisions of this Act, or of the said Act, 1 & 2 Will. 4. c. 33, intituled, 'An Act for the Extension and Promotion of public Works in Ireland,' have undertaken the repair and maintenance of any public road, it shall and may be lawful for the said Commissioners at all times thereafter to exercise all and every the same powers and authorities which are herein vested in any surveyor or contractor of the said county roads, or otherwise howsoever, or as the said Commissioners, by the Act, 6 Geo. 4. c. 101, intituled, 'An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in Ireland,' are invested with, as far as the said Commissioners may consider the same or any of them necessary for the preservation and good order of such roads, and the removal of all nuisances thereon, as also for the purpose of obtaining materials for such repairs or maintenance which they shall have to undertake.

LXV. That whenever any such road or bridge, or any portion thereof, not being a turnpike road or bridge, shall be so put in good and sufficient repair, under the direction of the said Commissioners, the secretary to the said Commissioners shall deliver or cause to be delivered to the secretary of the grand jury of the said county a certificate of the amount of money which shall have been so expended upon the repair of any such road or bridge, or any portion thereof, and the other expenses aforesaid, together with an account of the items of such expenditure, certified by the said county surveyor or other person employed; and every such certificate and account shall at the next or some succeeding presenting term be laid before the grand jury of any such county, and thereupon the grand jury shall make presentment of the amount of such expenses, as stated in such certificate, to be raised off the barony or baronies in which such road shall be situate; and when and so soon as the sum so to be presented as aforesaid shall be raised and received it shall be paid over by the finance committee to such bank or person as the Commissioners of Her Majesty's Treasury, or any three or more of them, shall direct, or to such person or persons and in such manner as may be directed by the Paymaster of Civil Services in Ireland.

LXVI. Provided and enacted, That wherever any bridge which shall be repaired by the said Commissioners as aforesaid shall be situate partly in the said county of Dublin and partly in another the expense of repairing such bridge shall be borne and defrayed equally by such counties, and the certificates and presentments by this Act required shall be framed and made accordingly.

LXVII. That it shall be lawful to and for every Justice of the Peace in and for the said county of Dublin, not being a stipendiary magistrate, to attend, and all such Justices are hereby required to assemble from time to time, and with the cess-payers associated with them as hereinafter appointed to hold a special or presentment sessions for the purposes of this Act, in such place and places, and at such time and times, within such county, as the grand jury shall have appointed pursuant to the provisions hereinafter following; and at every meeting of such presentment sessions, whether for one district or for the county at large, the majority of the Justices then present shall choose one of their number to preside thereat, and that when only two Justices shall be present the senior of them shall preside, and that when only one Justice shall be present such Justice shall preside; and such chairman shall have in addition to his vote a casting voice, in case of an equality of voices.

LXVIII. That it shall be lawful for the grand jury of the said county and they are hereby required, at the Michaelmas term next after the passing of this Act, and at every succeeding presenting term, to appoint by presentment certain districts, consisting of one or more barony or baronies, for holding presentment sessions, and also certain places within the county, *videlicet*, one in each district, where, and certain times when, presentment sessions shall be successively holden, previous to the then next presenting term, for the purposes of this Act, as hereinafter set forth, and such presentment shall appoint the hours of the day between which such sessions shall be respectively holden, and such presentment shall appoint the last meeting of such sessions to be holden at the County Court House of Kilmaham for the county at large; and it also shall be lawful for the grand jury at every such presenting term to direct by presentment what number of copies of the schedules of applications to be made at each such sessions shall be printed and distributed by the secretary of the grand jury.

And for the purpose of enabling the grand jury to prepare such list of cess-payers as hereinafter mentioned,—

It is Enacted,

LXIX. That every high constable or other collector of money levied by grand jury presentment shall, on the day when the grand jury shall be first impanelled at Michaelmas term next after the passing of this Act, and at each succeeding presenting

term, deliver to the secretary of the grand jury a return of the names and places of residence of the one hundred persons being males of full age, if so many there be, and if not, then of the whole number of persons resident or in actual occupation of lands, houses, or tenements in each district in said county, who, not being in holy orders, nor any minister of religion, and not being Justices of the Peace, shall have been charged with and shall have paid for land or houses actually occupied by them the highest sum or sums for grand jury rates or cess for and in respect of any lands or houses in such district under the last previous applotment, and that in such list he shall set forth the sum so paid by each such cess-payer respectively, and shall classify them according to the amount paid by each, and that the secretary shall immediately lay such return before the grand jury.

LXX. That every such grand jury as aforesaid shall fix and determine the number of persons, not being more than twelve nor less than five, proper, with reference to the extent and circumstances of each district, to be associated with the Justices at the presentment sessions to be holden therein for the purposes of this Act, and shall from the return aforesaid make out a list of treble the number so determined upon of persons, with their additions and abode, who, being males of full age, resident on and in actual possession of lands, houses, or tenements within such district respectively, shall, according to the return aforesaid, have paid the highest sum or sums for grand jury rates under the last previous applotment in each such district respectively: Provided always, that at every presenting term after the 1st of January 1845, except the first, the grand jury shall before they shall make out such list strike out of the return aforesaid the names of one-half of the persons whose names appeared on the list made at the then preceding presenting term, selecting in the first instance the names of the cess-payers who were associated and acted with the Justices at the presenting sessions.

LXXI. That the grand jury shall then cause the name of every person in such list for each district to be written upon separate pieces of parchment or card, as nearly as may be of equal size, with his respective additions and abode, which shall be put into a box for that purpose provided by the secretary of the grand jury; and the acting foreman shall in open court draw out one after another such number of the said cards or pieces of parchment as the said grand jury may have fixed and determined to be the proper number of cess-payers to be associated with the said Justice or Justices at each such sessions respectively; and such number of the said cess-payers so first drawn shall be associated with the said Justice or Justices, and shall with such Justices constitute the presentment sessions for such district, and have and exercise, jointly with such Justice or Justices, all power and authority in the business of such sessions.

LXXII. That the secretary of the grand jury shall forthwith signify by letter to each such cess-payer that he has been thus chosen as a member of the presentment sessions for his respective district, and shall notify to him the day on which such sessions are to be held; and every Justice shall, previously to acting at any presentment sessions, whether for any district, or for the county at large, make and subscribe in open court the declaration contained in the Schedule marked No. 1. to this Act annexed; and that every cess-payer associated with such Justice or Justices in manner aforesaid shall, previously to acting at any such sessions, make and subscribe in open court the declaration contained in the Schedule marked No. 2. to this Act annexed, which said declaration any one of such Justices, or the secretary of the grand jury, is hereby authorized and required to administer; and the chairman at each such sessions shall and he is hereby required to make out and deliver to the secretary of the grand jury a list of the names of all Justices and cess-payers who shall have made and subscribed such declarations respectively at the sessions where he had presided; and every such secretary shall from time to time, without unreasonable delay, deliver the said list, and all the declarations so made and subscribed, to the acting clerk of the peace, to be by him preserved among the records of the same county: Provided always, that if none of the cess-payers so chosen shall attend any presentment sessions to be held under this Act it shall be lawful for such Justice or Justices alone to do all matters and things authorized by this Act to be done thereat by the Justices and cess-payers associated in the business thereof.

LXXIII. That the Justices and cess-payers at each district presentment sessions shall select two of the cess-payers for such district to be associated with the Justices of the county as a member of the presentment sessions for the county at large; and the secretary of the grand jury shall make out a list of the persons so chosen at each district sessions, and shall read out the same previous to the appointment of the chairman for the presentment sessions for the county at large; and the persons so chosen shall together with the Justices as aforesaid form the presentment sessions for the county at large.

LXXIV. That all applications for works the expense whereof it may be by such application proposed to levy off the county at large shall be made at the presentment sessions to be holden for the county at large, and all applications for works the expense whereof may be proposed as aforesaid to levy off any barony shall be made at such presentment sessions as shall be holden for such barony: Provided always, that all applications for the works hereinafter mentioned shall be made at the presentment sessions holden for the barony in which the works included in such applications may be locally situate; (that is to say,) all applications for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereon with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary for the support of or to prevent any steep banks of earth from falling upon any such road, or in erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes lying on the side of any public road, or for maintaining any dispensary.

LXXV. That the applications for any new works which it is proposed to charge upon two or more baronies in different presentment sessions districts of the said county, but not upon the county at large, shall and may be made at the presentment sessions holden for the barony off which it is proposed that the larger portion of the expense of such work is to be raised, without making the same at the presentment sessions for each of such baronies.

LXXVI. That every application to be made at presentment sessions shall be lodged with the secretary of the grand jury twenty-one days at least before the day appointed for the holding of the first presentment sessions in such county next before each presenting term; and such secretary shall keep an office open for the purpose of receiving such applications during ten days immediately preceding the last day upon which such applications are required to be lodged with the secretary; and the

said applications shall be open to public inspection without fee or reward; and such secretary shall, on the receipt of each application, indorse or cause to be indorsed thereupon the time when the same is lodged, and number and arrange all such applications, as the works therein comprised may be proposed to be defrayed by the county at large or by any barony thereof, and shall make an abstract thereof and an index thereto, referring to the numbers which he shall mark on each application, and cause the same to be printed and distributed, and a copy thereof posted in each district; and such secretary shall produce and deliver all the applications which shall have been lodged with him or delivered at his office as aforesaid at the sessions proper, as hereinbefore provided, for the consideration of the same, together with the abstract thereof and the index thereto.

LXXVII. That the district surveyor shall examine all the applications so lodged with the secretary of the grand jury as aforesaid; and in case no application shall have been made for the necessary surface repairs of any public road or footpath, or for keeping up any public road or footpath during the ensuing year, or the keeping open of any drain adjoining any public road, or any other public work which to the said surveyor shall appear necessary, or likely to become necessary during the ensuing year, it shall be lawful and he is hereby required to make application for the same in the manner hereinafter appointed at the next presentment sessions to be holden for the county at large or barony by which the expense of such work ought to be defrayed; and it shall not be necessary for the said surveyor to lodge any application made by him with the secretary of the grand jury; but such application, being delivered to the chairman at such sessions, shall be dealt with therat in all respects in the same manner as the other applications which shall have been lodged with the secretary of the grand jury.

LXXVIII. That every application to presentment sessions for any presentment other than a public work shall be made by or on behalf of the person or persons requiring such presentment; and every application to any such sessions for any public work shall be made by two persons paying grand jury cess who can read and write, or by the district surveyor; and every application to presentment sessions, whether for a public work or any other purpose whatsoever, shall set out the title to the Act authorizing such presentment, with the year of the king's and queen's reign, chapter and section, as printed by her Majesty's printer, and shall specify the probable expense of the proposed work, and whether the money proposed to be raised thereunder is to be levied off the county at large, or some or what barony or other denomination of land thereof, and shall be made in some one of the Forms contained in the Schedule annexed to this Act, and marked Schedule No. 3., No. 4., No. 5., No. 6., and so forth, when any of such forms shall be found fitting and suitable; and every such application shall be signed by the person or persons by whom the same shall respectively be made, with his or their own proper hands; and it shall not be lawful, save as hereinafter provided, for the secretary of the grand jury to receive any application which shall not have been made in manner and form herein appointed.

LXXIX. That at each presentment sessions to be holden as hereinbefore provided the Justices and cess-payers associated in the business of such sessions shall take into consideration all such applications as may be laid before them in manner aforesaid, and examine into the posting or serving of the notices of all such applications, when a notice shall be necessary, and into the merits of such applications, and the conformity thereof with the provisions of this Act; and the said Justices and cess-payers shall after such examination decide by majority of voices upon every such application, and whether the same ought to be adopted or rejected, and whether wholly or in part, or conditionally in the event of the expense thereof not exceeding a certain specified sum, and what modification thereof, if any, may be proper; and if such Justices and cess-payers shall approve of any proposed work, either wholly or in part, or conditionally, or of any modification thereof, they shall, where necessary, save in the case of applications hereinafter otherwise provided for, direct the surveyor to prepare a proper form of tender for the execution of the same, together with such specifications, maps, plans, sections, or elevations as may be necessary, expressing the nature and extent of such works, and, if the sessions shall so direct, the quantity per perch, and the description of the materials proper to be employed in performing and executing the same, and the term within which such work ought to be completed, and the probable cost of maintaining the same for at least one year, and such other particulars as said Justices and cess-payers shall think fit; and such chairman shall indorse all applications accordingly, which shall be adopted and approved, and sign his name thereto, and deliver all such applications so indorsed to the secretary of the grand jury; and such surveyor shall deliver such form of tender, specifications, maps, plans, sections, or elevations in respect of the work to which each application shall relate, as soon thereafter as the same can be conveniently prepared, to the secretary of the grand jury; and the said Justices and cess-payers shall adjourn such sessions until some day not sooner than twenty-one days after the fiatting day of the then ensuing presenting term.

LXXX. That in case the Justices and cess-payers (at any presenting sessions) shall refuse to approve of any applications made for any public work it shall be lawful for any of the persons who made application at such sessions for such work to present a memorial to the Judges of the Court of Queen's Bench at the presenting term for the county, stating such application, and the disapproval thereof at the presenting sessions, and praying that the Judges may direct the grand jury to make a presentment for such work; and such memorial shall be lodged with the secretary of the grand jury at least six days before the first day of such presenting term, and the person presenting such memorial shall also cause to be inserted in some newspaper published or circulated in the county notice of his intention to apply at the next presenting term for such order, and such notice shall be published at least three times before the first day of such presenting term; and upon proof that such memorial and notices were lodged and published as hereby required it shall be lawful for the Judges of the Court of Queen's Bench, or any of them, to cause a jury to be impanelled to try and inquire whether such work is a proper one to be executed, and, if so, to ascertain and state the expense thereof; and if the jury shall find that such work is a proper work to be executed it shall be lawful for the Judge, if he shall think fit, to direct the grand jury to present that such work shall be done either for the sum stated by the jury to be sufficient for the execution thereof, or such lesser sum as they shall think proper, or to refuse to make such presentment: Provided always, that no such memorial shall be proceeded upon unless the memorialist shall, at the time of lodging such memorial with the secretary, deposit with him the sum of 20*l.* as a security for such cost and expenses as the Judge shall direct to be paid thereout to any person or persons who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

And in order to lessen the expense of keeping public roads in repair, and to obviate the necessity of making frequent applications to presentment sessions:—

It is Enacted,

LXXXI. That whenever any application shall be made in the manner hereinbefore provided for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of any bridge upon any such road, the Justices and cess-payers associated in the business of such sessions shall consider whether it may not be proper to contract for keeping such road or footpath in repair; and if they shall be of that opinion, they shall fix and determine the period, being not more than five years, for which it is expedient that a contract should be made for that purpose; and the surveyor shall insert such period in his specification and form of tender for such works.

LXXXII. That in case any person who shall have signed any application in pursuance of this Act shall die, or be prevented by sickness or any unavoidable necessity from appearing at such sessions, it shall be lawful for the Justice or Justices and cess-payers thereat, or for the grand jury, to examine any other person or persons who shall have knowledge of the matter, and to decide upon such application anything herein contained to the contrary notwithstanding.

LXXXIII. That so soon as may be possible after the presentment sessions shall have been holden at all the places and times appointed therefor in such county the secretary of the grand jury shall prepare and make schedules of the contents of all applications, save and except the applications to be certified as hereinafter provided, approved of wholly or in part, and which may have been delivered to him for such purpose by the chairmen at each sessions, including in one schedule all such applications for works proposed to be charged and raised on the county at large, and in other separate schedules (*videlicet*, one for each barony,) all such applications for works proposed to be levied upon each barony, arranging all such applications in alphabetical order, and noting on the face of each schedule the particulars of the decision of the presentment sessions on each application; and such secretary shall forthwith cause copies of such schedules to be printed and distributed in such manner as shall have been authorized and directed by grand jury presentment at the presenting term immediately preceding; and the said secretary shall deliver a copy of such schedules to the high sheriff of the county for the time being, and to each surveyor, and shall, on the day when the grand jury shall be next impanelled as hereinafter directed, deliver one copy of the said printed schedules, together with the several printed applications, with any specifications, maps, plans, sections, or elevations of the works to which such application shall relate, which shall have been prepared by the surveyor, annexed thereto, to the foreman of such grand jury, and shall also deliver another copy of the said schedules to the Judges of the Court of Queen's Bench; and the said secretary shall keep another copy of the said schedules in his office, for the inspection of the public, during three complete days at least immediately before the day when such grand jury shall be first impanelled, as hereinafter provided.

LXXXIV. That the grand jury shall, upon being impanelled and sworn as aforesaid, forthwith proceed to transact in open court all such business relating to presentments for raising money, public works, contracts, or the fiscal concerns of the county, as may be appointed for them, and to consider and decide upon all applications which shall be made for presentments, as hereinbefore provided, in the order in which the same shall be entered in the schedules to be prepared as aforesaid, beginning with the applications for works to be defrayed by the county at large, altering, where they may deem it necessary, the amount or time for executing each work, and examining all maps, plans, estimates, and specifications relating to each application; and the said grand jury shall be attended by their secretary and by the district surveyors, and shall hear and receive, and direct to be read aloud in open court, the several reports and certificates of any such surveyor, and shall have power and authority, at their discretion, to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any presentment, or in anywise relating thereto, or concerning any public work, or the execution of the same, if made wholly or in part at the expense of the county or any portion of the county, or any contract of or in respect of any of the matters aforesaid, and shall make presentments for all matters and things hereby directed to be presented for, specifying, in all presentments for county works, the maximum amount which shall be raised for the execution of such work, and whether such amount is to be raised off the county at large, or off any barony or parish or other denomination thereof, as the case may be; and the said grand jury shall sit *de die in diem* until all the business which may come before them of the nature hereby described be despatched; and if the whole of such business shall be concluded before the day appointed for sitting the presentments, then the said grand jury may adjourn to such day; and every grand juror who shall not attend pursuant to such adjournment may be fined by the Judge for such non-attendance in any sum not exceeding 10*l*. at the discretion of the said Judge.

LXXXV. That it shall not be lawful for any grand jury of the said county, any law, usage, or custom to the contrary notwithstanding, to make a presentment for any public work whatsoever, or for raising any money, for which an application shall not have been made and approved at sessions, either wholly or in part, as hereinbefore provided, save and except such presentments as may be herein specially excepted, and also save and except such presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls, or buildings, which have happened so recently as not to admit of the proper applications having been made in manner before provided; which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the grand jury upon oath; and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such grand jury shall nevertheless have power and authority to present for such repairs any sum of money in such case necessary, and to authorize and empower any of the district surveyors to advertise for contracts for the execution of such work, such contracts to be laid before the next district sessions, or to execute such works, and account for the execution to the finance committee, as to such grand jury shall seem fit; and the finance committee of the county shall, out of any monies to their credit available to the general purposes of the county, advance to such surveyor from time to time the monies, not exceeding the sum presented for such repairs, which may be required therefor; and such monies so advanced shall be replaced by the monies raised and levied under the presentment which the grand jury have been hereinbefore authorized to make for such purpose.

LXXXVI. That the secretary of the grand jury shall, immediately after the sitting day of each presenting term, upon being furnished by each surveyor with the specification or form of tender for the execution of any such work as aforesaid, and the

maps, plans, sections, and elevations belonging thereto, notify, by public advertisement or otherwise, in such manner as the grand jury shall have directed, his readiness to receive sealed tenders and proposals for the execution of such work during such period as shall have been appointed by the same authority for the reception of the same, and the time to which such sessions has adjourned for the opening of such tenders and proposals, and that forms thereof may be obtained at his office or elsewhere; and such secretary shall accordingly cause to be printed and prepared a sufficient number of forms of such tenders and proposals, and furnish to any person who shall demand the same a copy thereof, receiving therefor the reasonable cost of preparing the same, not exceeding the sum of 3*d.*, and also take such other means as the grand jury shall direct for placing such forms within reach of persons who may have occasion to use them; and each of such tenders and proposals shall be returned to him sealed or in an envelope, and shall contain a statement of the lowest sum for which the party making such proposal is willing to contract for the performance of the work or works specified and described in such notification, and shall be subscribed with the name, description, and residence of the party so desirous to enter into such contract, and also the names, descriptions, and residences of not less than two sufficient persons willing to be bound jointly and severally with him for the due and faithful performance of the said contract within the time and in the manner thereby prescribed, in a penal sum, double the amount of the said sum mentioned in such tenders and proposals, if the said sum shall not exceed 1000*l.*, but if such shall exceed 1000*l.* then in a penal sum exceeding the sum mentioned in such tenders and proposals by 1000*l.* in addition thereto; and all maps, plans, sections, and specifications relating to any such work prepared by the surveyor shall be open to public inspection in the office of such secretary, without fee or reward.

LXXXVII. That at the meeting of each such adjourned presentment sessions as aforesaid the secretary of the grand jury shall in open court produce, duly numbered and arranged, and with the seals unbroken, all the tenders and proposals which may have been delivered to him, and shall open consecutively all those relating to the same public work; and so soon as the lowest proposal made for the performance of each such work shall be ascertained, the party making such proposal, and his surety, shall be called; and if the said party and his sureties shall appear, and shall satisfy the Justices and cess-payers at such sessions, upon oath or otherwise, of the sufficiency and ability of each and every of them to answer and make good the penalty hereinbefore specified for the nonperformance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose, and shall thereupon enter into security for the due performance of such contract, conditioned in such penalty as aforesaid, in the form set forth for that purpose in the Schedule No. 13., such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, unless there shall appear some reason for rejecting it; but if the party making such proposal, and his sureties, shall not appear when called, or shall fail to satisfy the Justices and cess-payers at such sessions in any of the particulars aforesaid, or shall decline to enter into such security as aforesaid, or if the presentment sessions shall see cause to reject it, then and in such case the proposal of the party making default as aforesaid shall be deemed null and void to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on till the said security shall be entered into and the contract duly completed: Provided always, that if no proposal shall be made in respect of any work within the time limited for receiving such proposals, or if no proposal or tender shall be approved of by the presentment sessions, it shall and may be lawful for the said presentment sessions, if they think proper, to give such work in charge to the district surveyor, with power to expend a sum not exceeding the maximum fixed as aforesaid; and such surveyor shall cause such work to be executed, and shall account for the execution thereof to the finance committee in manner hereinafter directed.

LXXXVIII. That such security so to be entered into by contractors under this Act, and their sureties, shall be a recognizance to Her Majesty, her heirs and successors, and of like force, validity, and effect as other recognizances made to the Queen's Majesty; and at such adjourned presentment sessions any Justices present, or the chairman, are and is hereby authorized to take such recognizance; and the secretary of the grand jury shall prepare the same, and come provided therewith, so as to prevent delay; and the expense of preparing the same, not exceeding 6*d.*, shall be defrayed by the party or parties entering thereto; and such recognizance shall be preserved in custody of such secretary until the condition of such recognizance shall have been fulfilled, and shall then be delivered up to the contractor or contractors therein named, or to any person by him or them duly authorized, to be cancelled.

LXXXIX. That the secretary of the grand jury shall have charge of all such contracts as aforesaid, and shall provide and keep a book in which he shall insert an abstract of all such contracts, setting out the names of the several contractors, and the particulars of each contract; and, in the case of roads for the keeping in repair of which contracts may be or shall have been made, setting out the places whence and to which each road contracted for leads, and at what milestone, mearing, or noted place each road or part of a road under the charge of such contractor commences and ends, or the names of the occupiers of the lands where his contract commences and ends, and the number of perches of road included in each contract, and the rate per perch at which each contract has been entered into, and the whole annual sum which each contractor is to be paid, and the period for which each contract is made; and all contracts so entered in such book shall be numbered, and every such book shall have an alphabetical index referring to the number of each contract.

XC. That it shall be lawful for the grand jury at each presenting term and they are hereby required to appoint a finance committee, consisting of not more than twelve nor fewer than seven persons, residents within the county or city of Dublin, and being occupiers or owners of lands or houses within the county or city of Dublin, and being occupiers or owners of lands or houses within the county of the value of 50*l.* at the least; and such persons shall constitute the finance committee of the county, and shall have full power and authority to do, execute, and perform all such matters and things as the finance committee are by this Act authorised to do; and in default of the grand jury at any presenting term so appointing a finance committee it shall and may be lawful to and for the Judges of the Court of Queen's Bench and they are hereby required to make such appointment.

XCI. That the finance committee of the said county shall hold their first meeting at such time and place as shall be appointed by the grand jury, whereof public notice shall be given in such manner as shall be directed by the said grand jury, and shall meet from time to time, and adjourn from place to place, as they shall think proper, and as occasion shall require:

and at all meetings three members shall constitute a quorum; and one of the members present shall be appointed chairman, and shall be entitled to vote on all questions, and in case of an equal division of votes upon any subject such chairman shall have an additional or casting vote; and the secretary of the grand jury shall attend the meetings of the finance committee, and shall act as their secretary, and make minutes of their proceedings, and render them such assistance from time to time as they may direct.

XCII. That the Justices and associated rate-payers at each adjourned district presentment sessions shall appoint two fit and proper persons to act as road wardens for such district until the next adjourned district presentment sessions, or until others shall be appointed for such district; and it shall be the business and duty of such road wardens, within their respective districts, to examine into and report upon the state of the roads and other county works, whether in progress of repair or otherwise, to the presentment sessions, to the grand jury, and the finance committee, and to abate nuisances, and prosecute persons guilty of any offence against this Act.

XCIII. That immediately before the closing of each adjourned presentment sessions, whether for any district or for the county at large, the secretary of the grand jury shall prepare a list of the sums payable to each contractor, with a statement of the nature of the contracts entered into at such sessions, and setting forth likewise the amount which any district surveyor may be authorized at such sessions to expend upon any road or work, and the chairman shall certify the accuracy of the same by his signature; and such lists so certified shall be laid before the finance committee at their first meeting, and a copy thereof shall be entered on the minutes, together with a copy of all other presentments made by the grand jury, and filed by the Court, under the authority of this or any other Act, and of the names of the persons in whose favour such presentments may have been made; and it shall be lawful for the finance committee from time to time, and as the funds of the county admit, to make orders for the payment of all persons entitled to payment under presentments of the grand jury made by the authority of this or any other Act; and every order shall be signed by the chairman for the time being of the finance committee, and two other members thereof, and countersigned by the secretary of the grand jury, and by him delivered to the person entitled to the same.

XCIV. That any person who may contract for the execution of any work under this Act shall on the completion of such work, or whensoever by the terms of such contract he may be entitled to payment, give notice, in Form Schedule No. 11. or 12., as the case may be, to the district surveyor, and also to one of the road wardens, fifteen days at the least before the day appointed for the next meeting of the finance committee, of his intention to make application for payment, and to require such district surveyor or road warden to examine and report upon the execution of such work or performance of such contract; and such contractor shall also lodge with the secretary of the grand jury, fifteen days at least before the next meeting of the finance committee, a similar notice of his intention to apply for payment; and the secretary of the grand jury shall arrange all such notices, and annex to each the number by which the contract in respect whereof such notice or certificate may be given is distinguished in the book of abstracts which such secretary is hereby directed to keep, and indorse on such notice the date of the lodgment of the same; and such secretary shall lay all such notices before the finance committee, who shall examine into all such applications for payment, and inspect the notices and certificates, and examine the district surveyor or road warden, and all other persons whom they may think it necessary to examine, for the purpose of ascertaining the due execution of the work or matter contracted for, which examination may be upon oath in cases in which the finance committee deem it necessary or advisable; and the chairman of the finance committee is hereby authorized to administer the oath; and the said finance committee, upon being satisfied that the party so applying is justly entitled to payment, may give an order for the payment of the whole or such portion of the sum in consideration whereof the contract may have been made as they shall deem just and right.

XCV. That if at any time the finance committee shall refuse to order payment to the contractor according to the terms of his contract, or to any other person engaged in the execution of any county work under the authority of this Act, and who on the due execution thereof would be entitled to such payment, they shall set forth the grounds of such refusal; and if such contractor or other person shall feel himself aggrieved thereby it shall be lawful for such person to present a memorial to the Judges of the Court of Queen's Bench at the next Easter or Michaelmas term, stating the terms of his contract or the circumstances of his case, and the refusal by such finance committee to order payment, and praying that the Judges may direct the grand jury to cause inquiry to be made into the facts stated in such memorial; and such memorial shall be lodged with the secretary of the grand jury at least one month before the first day of such term; and such secretary shall make known the same to the finance committee; and upon proof that such memorial was so lodged it shall be lawful for the Judges of the Court of Queen's Bench, if they shall see reason so to do, to cause a jury to be impanelled to try and inquire whether or not such sum was rightly due to such contractor according to the terms of his contract; and if the jury shall find in the affirmative it shall be lawful for the Judges of the Court of Queen's Bench to order the payment of such sum, not exceeding the amount of the contract, as to them shall seem just and proper; and it shall be lawful for the finance committee, at their next meeting, and they are hereby required, on a copy of the order for such payment being produced, to sign an order for the amount specified in such presentment: Provided always, that no memorial shall be proceeded upon, unless the memorialists shall, at the time of lodging such memorial with the secretary, deposit with him the sum of 10*l*. as a security for such costs and expenses as the Judges may direct to be paid thereout to any person who may appear to oppose such application or any witness summoned to attend on the hearing of the application.

XCVI. That at least twenty-one days previous to the commencement of the presenting term in each year a special meeting of the finance committee shall be called by the secretary, for the purpose of making up the county accounts for the preceding year; and a separate account shall be kept and made out and balance struck for each barony, and a statement shall be made of the sums not paid on account of presentments, and of the amount not received on account of the assessment upon each barony; and the finance committee shall classify the amounts paid by them during the year, according to the purposes for which the payments were made; and the accounts when made up shall be signed by the chairman of the finance committee, and shall be laid before the grand jury on the first day of the then ensuing presenting term; and such accounts shall recite

the authority under which each payment shall have been made, and a copy or abstract thereof shall be printed with the abstract of presentments; and it shall be lawful for the grand jury to present any balance which after examination of the accounts may appear to be due by the county at large or any barony, such balance to be raised off the county at large or such barony respectively: Provided always, that the accounts of the finance committee shall be transmitted by the secretary to the proper office, and shall be examined and audited in the same manner and subject to the same regulations as the accounts of county treasurers, under and by virtue of an Act, 7 Will. 4. & 1 Vict. c. 54, intituled, 'An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for public Monies, and to secure the same.'

xcvii. That the clerk of the Crown for the said county of Dublin shall, within fourteen days after the fiating day of each presenting term, deliver to the secretary of the grand jury, without fee or reward, a copy, attested upon oath, and signed by himself, of all presentments which have been made and fiated at such presenting term, and likewise copies of all queries discharged and remaining undischarged, distinguishing the same; and the secretary of the grand jury shall from such copy forthwith make out an estimate of the amount to be raised in each barony or portion of a barony or parish in the county during the ensuing year under the authority of the baronial or local presentments made during such presenting term, and to meet the probable baronial expenditure during the ensuing year, and also of the amount to be raised upon each such barony respectively to defray its proportion of the general county charges under the authority of the presentments upon the county at large made during such term, and to meet the probable expenditure on the county at large during the ensuing year, and shall lay the same before the finance committee at their first meeting; and the finance committee shall consider and revise such estimate, and shall then declare and strike the amount to be levied off each barony and parish or denomination during the ensuing year, as well on account of the baronial charges as upon account of charges upon the county at large.

And after reciting that a valuation of the county of Dublin is now in progress under the provisions of an Act, 6 & 7 Will. 4. intituled, 'An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland;' but it is necessary to make provision for the apportionment of the county charges upon each barony, and of the baronial charges upon each parish in the said county, until the period when such valuation shall be completed;—

It is Enacted,

xcviii. That for the purpose of enabling the finance committee to make such apportionment the secretary of the grand jury shall obtain from the clerks of the several poor law unions, the whole or any portion of which may be situate within the county of Dublin, a return of the amount of the last valuation made by the guardians of each union respectively of every parish and townland within such union which is situate in the said county of Dublin, which return the clerk of every such union is hereby required to make, and to certify under his hand to be correct; and the amount set forth in such certificate as the value of every parish or townland shall be taken to be the value of such parish or townland for the applotment or apportionment of the county charges under this Act: Provided always, that nothing herein contained shall authorize or empower the finance committee to make or apportion the county charges according to such valuation for any longer period than until the survey and valuation under the said Act, or any Act to amend the same, shall be completed, and a copy thereof inserted in the *Dublin Gazette* as directed in said Acts; and that from and after the first day of the presenting term next following such publication all county cess charges whatsoever, and all grand jury charges or rates imposed or to be imposed on the said county of Dublin by presentments of the grand jury, or to be raised off such county, or any barony, parish, or townland thereof, and all parish rates imposed or to be imposed, or levied, or to be levied, under the authority of any Act or Acts, shall be assessed and levied off such county, and off every barony, parish, or townland therein, according to the proportions specified in such Act; any law, usage, or custom, or any former assessment or valuation, to the contrary in anywise notwithstanding.

xcix. That the finance committee, having duly ascertained the proportion of the county charges to be raised upon each barony, parish, or denomination according to such valuation, shall issue their warrant, under the hand and seal of the chairman of the committee, and countersigned by the secretary of the grand jury, to the several collectors, for levying and collecting the sums to be raised off each parish, which warrant shall set forth the amount to be raised off such barony, parish, or denomination by virtue of the presentments by the grand jury with any uncollected arrears of the last warrant, and shall remain in force and effect for the term of two years next after the date thereof, notwithstanding the death, resignation, or removal of the person to whom it was addressed; and shall authorize any collector for the time being to execute the same, unless the sums required by such warrant to be levied shall have been received, or unless the grand jury shall have re-presented the same; and the person to whom such warrant is directed shall, within ten days after he has received the same, deliver or send to the churchwardens of each parish or denomination of land contained in such warrant, or in case there be no churchwarden of the same, then to any principal residing inhabitant, a transcript of the said warrant, setting forth the sum he is required to levy upon the said parish or denomination, and to desire that the sum may be applotted thereon; and every person who shall receive such account is hereby required under the penalty of 10*l.*, to be recovered by civil bill by any person who shall sue for the same, to post up within six days after the receipt thereof, on the door of the church or the usual place for posting notices in said parish or denomination, a notice signed by himself, setting forth that the landholders and householders of (here insert the name of parish, &c.) are hereby required to meet at (place of meeting), on the (here insert a day, not less than ten days or more than twenty from the date of such notice), to choose two or more persons to applot the sum of (here insert the sum) required to be levied upon such parish or denomination by the warrant of the finance committee of the county; and at such meeting the landholders and householders then present shall choose two or more persons to be applotters; and the persons so chosen shall, within fourteen days from the time they shall be so chosen, applot the sum so to be levied upon such parish, townland or denomination, fairly and justly according to the relative annual value of the several lands, tenements, and houses therein contained, stating as accurately as they can the name of the occupier of each house or tenement, and shall make oath before any Justice of the Peace for such county that they have made the said applotment justly, according to the best of their skill, without favour, affection, or malice, the jurat of which oath shall be indorsed on the applotment; and such applotters shall deliver such applotment, so verified upon oath, to the person empowered to collect such grand jury cess, under the penalty of forfeiting for every day they shall omit to deliver the same, after the said fourteen days, the sum of 20*s.*, to be

recovered by civil bill by any person who shall sue for the same; and the collector, on receiving such full and sufficient applotment, is hereby required and authorized to levy the said money according thereto; and in case no full and sufficient applotment shall be returned within twenty days after the time fixed for the appointment of the applotters, then in such case it shall be lawful for such collector himself to applot the sum required by the warrant to be levied off such parish or denomination on the several lands, premises, and houses therein, according to the best of his judgment: Provided always, that no house shall be included in any such applotment, or shall be liable to county cess, the yearly value of which shall not be at the least 5*l*.

c. That it shall be lawful for the finance committee to pay to any person or persons who may so applot the amount directed to be levied upon any parish or denomination a sum not exceeding 20*s*. for each parish or denomination, on being satisfied that such applotment was duly and accurately made, and also to pay to the clerk of each union such sum, not exceeding 40*s*., as to such finance committee shall seem reasonable, for his trouble in preparing the valuation hereinbefore directed to be given to such finance committee.

ci. That every person duly authorized to levy any grand jury cess off any barony, as soon as he shall have received or shall have made the applotment of such cess, shall forthwith proceed to collect and levy one moiety thereof according to such applotment, and the other moiety thereof after six calendar months from the date of such warrant; and each of such moieties may be levied by distress and sale of any goods and chattels of every person refusing to pay the proportion therein applotted for him or her to pay, which may be found on the premises chargeable, rendering to the owner the overplus, if any, after deducting the expenses of distraining, not exceeding 12*d*. in the pound on the sum for which such distress may have been made; or in case the collector shall not think it expedient to proceed by distress, then and in such case such collector shall leave or cause to be left at the dwelling house or usual place of residence of the party chargeable for or in respect of such premises a notice bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the sum or moiety of the sum applotted within six days from the date of such notice, and expressing that within six days the money demanded may be paid to the collector at his house or office; and if such money be not so paid within such time then it shall be lawful for such collector to prefer a complaint to any Justice of the Peace for the county in which the party may reside, and such Justice shall summon the party so complained against to appear before him and answer the said complaint, and shall, at the time specified in such summons, examine into the matter of such complaint on oath (which oath the Justice is hereby empowered to administer), and shall direct the payment to such collector of such money as he shall find due and payable under such applotment by the party complained against, together with a sum certain as and for such reasonable costs and charges as to such Justice shall seem meet; and in default of the appearance of such party, or upon his or her refusal or neglect forthwith to pay the sum or sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace for the county, to issue his warrant authorizing and empowering the said collector to levy the money thereby ordered to be paid by distress and sale of the goods or chattels of the party so complained against which may be found within any part of such county, rendering the overplus, if any, to him or her, the necessary charges and expenses of distraining being thereout first deducted as directed by such Justice; and if sufficient distress cannot be found within the same county, then, on oath thereof made before any Justice of the Peace of any other county in which any of the goods and chattels of such party shall be found (which oath such Justice shall administer, and certify by indorsing in his handwriting his name on the warrant granted to make such distress), the goods or chattels of such party so refusing or neglecting to pay as aforesaid shall be subject and liable to such distress and sale in such other county where the same may be found, and may by virtue of such warrant and certificate be distrained and sold in the same manner as if the same had been found within such first-mentioned county.

cii. That the sum or proportion of grand jury cess to be raised off each barony under the warrant of the finance committee, and duly applotted for any person to pay, shall be a charge upon the lands and premises, houses and tenements, mentioned in such warrant and applotment, and shall be paid and payable by the person or persons occupying the premises respectively at the time such cess is levied thereout, although such person or persons did not occupy the same at the time such cess was imposed, and, when the sum payable by any person or persons does not exceed 50*l*., may be sued for by civil bill, in the name of the collector, before the chairman of the sessions of the county of Dublin, or assistant barrister having jurisdiction to hear and determine causes by civil bill in the county, place, or district in which the person liable to pay the same resides.

ciii. That every person duly authorized to collect and levy the grand jury cess aforesaid shall on or before the first day of each month, or so often as he shall have received 100*l*., pay into the Bank of Ireland, to the credit of the finance committee, the sums he may have received up to such period, and shall furnish to the secretary of the grand jury an account of the sums so received, setting forth particularly any sums received on account of arrears of cess, and shall, at all times when required so to do, exhibit to the finance committee any books, applotments, accounts, or vouchers which they may require; and any collector receiving any sums of money, under colour of his warrant, otherwise than according to the applotment, or neglecting or refusing to furnish to the finance committee such information, accounts, and vouchers as they may at any time require, or not using due diligence in the collection of the county rate, may be suspended or dismissed from his office by such finance committee; and immediately upon his suspension or dismissal he shall deliver up to the secretary of the grand jury his warrant, applotment, and all other papers, accounts, or documents of or belonging to his office as collector; and if any such person shall refuse or neglect to deliver up such warrant, applotment, papers, accounts, and documents, when required to deliver them by an order of the finance committee, it shall be lawful for the finance committee to direct the secretary of the grand jury to summon such person before any Justice of the Peace for the said county, who may commit such person to the county gaol, there to be detained till such documents be delivered up: Provided always, that no collector shall be dismissed as aforesaid without a special summons of the said finance committee by the secretary of the grand jury, and that at such special meeting not less than five members do constitute a quorum.

civ. That it shall be lawful for the finance committee to add to the amount of the warrant issued by them in respect of each barony the amount of the collector's fees upon the sums to be collected for such barony, and the same shall be collected and paid into bank by each collector, together with the sums presented by the grand jury; and when one moiety of the sum

make or sign more than one order for the expenditure of any sum as aforesaid for the reparation of the like sudden damage between the termination of one presenting term and the commencement of another.

cx. That if any person shall, at any time after the 1st of January 1845, by himself, his friends or agents, directly or indirectly give or promise to give any money, or any security for money, or other consideration, to any person or persons, in order to procure the appointment to the office of clerk of the peace, secretary of the grand jury, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such office, or in order to influence the votes of the persons who may have the appointment to such office, he shall be incapable of holding any such office or employment, and shall forfeit for every such offence a sum of 100*l.* to any person who will sue for the same; and such sum may be recovered by civil bill before the chairman of Kilmainham, or by action in any of the superior courts; and every person appointed to any such offices at any time after the 1st of January 1845 shall, at the presenting term next after his appointment, subscribe in open court before the foreman of the grand jury, and deliver to him, a declaration in the Form in Schedule No. 16. to this Act annexed, and the same shall be preserved by the clerk of the crown among the records of the county; and no presentment shall be made for any salary to any such officer until he shall have so subscribed and delivered such declaration.

cxl. That nothing in this Act contained shall be construed to limit or affect the powers, duties, or authorities of grand juries to make any presentments which they are authorized or required to make under and by virtue of an Act, 7 Geo. 4. c. 74, intituled 'An Act for consolidating the Laws relating to Prisons in Ireland:' Provided always, that it shall not be lawful for any grand jury to make any presentment under the provisions of the said recited Act for any salary or compensation to any keeper, turnkey, or matron of any gaol, penitentiary, bridewell, or house of correction, or for building, rebuilding, altering, enlarging, or repairing any gaol, bridewell, house of correction, or other prison, (except in the case of repairs made under the provisions of the said recited Act, in consequence of any fire or other sudden accident which may happen to any such gaol, bridewell, house of correction, or other prison,) unless application for such presentment shall have been made and approved at presentment sessions in the manner hereinbefore directed and provided: Provided also, that all contracts which any grand jury is authorized to make or enter into under the provisions of the said recited Act shall be made by sealed tenders and proposals to be delivered, opened, and dealt with, and security to be taken, in like manner as hereinbefore provided with respect to other contracts for public works, anything in the said recited Act to the contrary notwithstanding: Provided also, that no such contract shall be entered into, nor any presentment made thereupon, save upon and after an application made and approved at presentment sessions, as hereinbefore directed.

cxli. That it shall be lawful for any grand jury at any presenting term to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any denomination or barony to be raised and levied on such denominations or barony upon which the same was originally required by the warrant of the finance committee to be levied, and to present all such sums of money which have hitherto been or which shall at any time hereafter remain unpaid on account of the absconding or insolvency of any collector or other person empowered to receive or collect public money who is or shall be insolvent, without prejudice to the liability of such collector or of his sureties, to be raised and levied either upon the county or upon the barony in which the same was before levied, as they shall think fit, which sums shall be levied in the same manner, and subject to the same rules, regulations, provisions, and powers, as any money to be levied by virtue of this Act is to be subject; and in case any money so in arrear or so detained by any collector or other person empowered to collect or receive public money shall be thereafter recovered, it shall be paid to the credit of the finance committee; and such money so paid, and any balance, arrears of or surplus on the salary of any county officer, and all other such like surplus and balances of money raised by authority of this Act, or which may any how arise to the credit of the finance committee, shall be applicable to defray the expenses of any public work, or any county charge whatsoever which the grand jury are authorized to present under the provisions of this Act, and shall be presented by the grand jury for such of the said purposes as to them shall seem expedient: Provided always, that such sum shall be applied to the credit of the barony off which it was originally levied: Provided also, that before it shall be lawful for any grand jury to re-present any sum of money as unpaid or in arrear out of any barony or denomination it shall be made to appear by affidavit of the collector to such grand jury that such sum is actually in arrear and unpaid by such barony or denomination respectively, and that it could not have been levied from the persons or out of the lands or houses charged with or liable to pay the same.

And after reciting, that in the county of Dublin an accumulation of insolvent arrears of grand jury cess has taken place, by reason of the grand jury thereof in certain cases not having possessed any power by law to re-present for such arrears, and in consequence thereof the county at large, and several of the baronies therein, have become largely indebted to the public, and it is expedient that the grand jury should become empowered to discharge such debts respectively by instalments:—

It is Enacted,

cxlii. That within one calendar month after the 1st of January 1845 the treasurer of the county shall transmit to the chief or under secretary for Ireland a detailed account of the debt which shall be then due by the said county at large, together with the causes of such debts respectively having accrued, and shall certify the same to be true and correct in every particular; and the Lord Lieutenant in council shall thereupon cause an inquiry and examination to be made into the items and facts stated in such account, and shall transmit to the grand jury, through the chief or under secretary for Ireland, his or their warrant, which shall state the amount of the debt (if any) which upon inquiry shall appear to be due by such county at large, or barony, and the number of instalments by which the same shall be paid; and it shall be lawful for such grand jury, and they are hereby required, at the presenting term at or next after which they shall have received such warrant as aforesaid, to present, without previous application at presentment session, for the first of such instalments respectively, and so from time to time shall continue to present, according to the exigency of the said warrant, until the whole of such debt (stated therein) shall have been liquidated and paid off; and such presentment shall be levied and accounted for in like manner as any other presentment under this Act.

cxiv. That it shall be lawful for the secretary of the said county for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the grand jury to insure, and for such sum as he shall be so directed; and such policy shall vest in the secretary for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be lodged by him to the credit of the finance committee, and shall be applied to public purposes, from time to time, as the grand jury shall direct, by any presentment, sanctioned and approved of by the Judges of the Court of Queen's Bench, at the presenting term at which such presentment may be made; and the grand jury shall have the power, without any previous application at the sessions, and are hereby required to present, to be levied off the county at large, the premium and other charges payable on such policy, and for continuing the same; and the finance committee shall from time to time pay such premium.

And after reciting, that for the purpose of diminishing the expense to which many counties in Ireland are at present subjected in keeping in repair short lines of roads which from time to time have been made by such counties as improvements upon old lines of turnpike roads, it is expedient that the trustees and directors of turnpike roads and the grand juries of counties in Ireland should in certain cases and by mutual agreement have a power of exchanging such roads or portion of roads:—

It is Enacted,

cxv. That from and after the 1st of January 1845 it shall be lawful for the trustees and directors of any line of turnpike road, or any five or more of them, in any case wherein they may deem it expedient, to adopt as part of such line of turnpike road the whole or any part of any road made and hitherto kept in repair by county presentment, first having the consent in writing of the grand jury of the county through which such road may pass at any presenting term, signifying that it will be for the advantage of the public that such road or portion of road shall become a part of such line of turnpike road, in place of the old turnpike road or portion of old turnpike road, as an improvement upon which such new line of road may have been made by such county as aforesaid; and from and after the last day of the presenting term or assizes in which such consent shall have been signed such road or portion of road so theretofore made and repaired by presentment shall to all intents and purposes be deemed to form and shall form a part of such turnpike road; and the trustees and directors of such line of turnpike road shall have the same powers with respect to such road or portion of road so adopted by them as they had by law over the portion of old turnpike road so given up by them to the grand jury aforesaid: Provided always, that notice of such exchange of road, signed by the trustees and directors of the turnpike road on the one part, and the foreman of such grand jury on the other part, shall be published in the *Dublin Gazette*, and one or more of the Dublin newspapers, as soon as may be after the signing of such exchange as aforesaid.

cxvi. That it shall not be lawful for the trustees of any turnpike road, or the collectors of any turnpike toll gate, to enforce payment of any toll for any horse or other animal passing through the said gate, unless the same shall have travelled more than one hundred yards on the said road on the same day.

And after reciting that part of the road from the city of Dublin to Kingstown and Bray, commencing at the bridge usually called Macartney's Bridge, in the city of Dublin, and ending at the cross of the Black Rock, was situate within the city of Dublin, and was repaired by presentment of the grand jury of the said city, until the passing of an Act, 5 & 6 Vict., c. 96, intitled, 'An Act to alter the Number and define the Boundaries of the several Baronies of the County of Dublin,' whereby the district through which the said road passed was made and constituted a separate barony in the county of Dublin, by the name of the barony of Dublin: And that from the great traffic on the said road it requires frequent and expensive repairs, the cost of which, the barony of Dublin being of small extent and value, would prove burdensome upon the inhabitants thereof: And that a great portion of the said road is bounded on one side by the barony of Rathdown, and it is just and reasonable that the inhabitants of the city of Dublin and the inhabitants of the barony of Rathdown, as well as those of the barony of Dublin, should contribute towards the repairs of the said road:—

It is Enacted,

cxvii. That it shall and may be lawful to and for the grand jury of the city of Dublin at any Easter term, conjointly with the grand jury of the county of Dublin, to enter into a contract with the Board of Public Works in Ireland, or any other parties, for the maintenance and repair of the said road for any period not exceeding five years, and for such term annually as shall be agreed upon between the said grand juries and the said Board of Works or parties aforesaid; and that the amount of such contract shall be divided annually into three parts; and the grand jury of the said city of Dublin is hereby required to present at each Easter term the one-third of such amount to be raised annually during the continuance of such contract upon the city of Dublin, and the grand jury of the said county is hereby required to present at each presenting term for the county one-third of such amount to be raised upon the barony of Rathdown, and the remaining third upon the barony of Dublin, anything herein or in any other Act contained to the contrary notwithstanding.

And if it should happen that at any Easter term the two grand juries should not agree as to the estimate or contract laid before them at such Easter term, or that they should omit or neglect to present as aforesaid:—

It is further Enacted,

cxviii. That it shall and may be lawful for the Lord Lieutenant in council, upon a requisition signed by the foreman on behalf of either grand juries, to make such order to the Commissioners of Public Works for the repair of all that portion of said road hereinbefore recited, and which shall be deemed necessary to be repaired by said Lord Lieutenant in council; and that the grand jury of the county of Dublin, together with the grand jury of the city, are hereby required to present at each Easter term any sum or sums so expended by said Commissioners of Public Works, according to the proportions hereinbefore directed.

cxix. That during the continuance of the said contract or contracts as aforesaid a statement and account of the actual condition of the said road, and of the expenditure of all monies received by parties so contracting, shall be laid by the Commissioners of Public Works, (or by some person acting on their behalf, and authorized by them,) or by such other

parties contracting as aforesaid, before the united grand juries of the county of Dublin and county of the city of Dublin, upon some day to be by them appointed in each Easter term for that purpose; and said Commissioners of Public Works, or some person acting on their behalf, or other parties so contracting, shall attend before the said grand juries at each Easter term, and give whatever information they or either of them (the said grand jury) may deem necessary relative to such statement and account.

CXX. That in all cases where by this or any Act or Acts now in force in Ireland repayment is to be made by grand jury presentment of any money advanced out of the Consolidated Fund or from any other public fund the same shall from and after the passing of this Act be paid and payable unto such bank or person, and in such manner, as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three of them, shall from time to time think fit to direct and appoint.

CXXI. That in case the grand jury at any presenting term shall neglect or refuse duly to present any money which, under the provisions of this Act, or of any Act now in force in Ireland, or of any Act passed or to be passed in this present session of Parliament, such grand jury may be required to present at such presenting term upon the certificate of the chief or under secretary of the said Lord Lieutenant or other Chief Governor or Governors of Ireland, or otherwise, for the purpose of reimbursing or replacing any monies issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the Court shall have power to make an order directing the sum or sums which ought to have been so presented to be raised and levied as if the same had been so presented; and such order shall have the force and effect of a presentment, and the treasurer of the county or finance committee shall insert the sum mentioned in such order in the warrant, and the same shall be apportioned, raised, and levied, and applied in like manner to all intents and purposes as if the same had been duly presented by such grand jury.

CXXII. That from and after the commencement of this Act, in all cases of maliciously or wantonly setting fire to, burning, or destroying any house, outhouse, or other building, or any haggard, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden or unladen, or of maliciously killing, maiming, houghing, or injuring any horse, mule, ass, or swine, or any horned cattle or sheep, or of maliciously damaging, injuring or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work belonging to any person, public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation, for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the high constable of the barony, and the churchwardens of the parish, and at the nearest police station, or if there be no churchwarden or high constable, then upon two of the principal inhabitants of the parish wherein such offence shall have been committed, within six days at least after the commission of the same; and shall lodge with the high constable or secretary of the grand jury, in like manner and time as applications for presentments for public works are hereinbefore directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured, or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender and offenders as may be known; and like notices shall be posted of such application as hereinbefore prescribed in cases of other applications to presentment sessions; and such application shall be scheduled by the secretary of the grand jury, and by him dealt with in all respects as other applications under this Act; and the presentment sessions shall examine into the serving and posting the notices of such application, and into the merits of the same, and the chairman shall indorse their opinion thereupon, and such secretary shall deliver such application so indorsed to the grand jury at the next presenting term; and the said grand jury shall examine into the matter of such application, upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said grand jury shall, on the consideration of the said matter, either disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off the county at large, or such barony, parish, district, townland, or sub-denomination thereof as the grand jury shall direct.

CXXIII. That every application under this Act for compensation for loss or damage occasioned by any malicious injury as aforesaid shall be made at the presentment sessions which shall be holden next before the presenting term after the commission of such offence for the barony where the same shall have been committed, unless any such malicious injury shall have been done after the day appointed for holding the first presentment sessions before the next presenting term, or so near the day of holding the same that such application for compensation cannot be duly lodged as hereinbefore directed; in either of which cases the person or persons so injured shall make such application at the presentment sessions which shall be holden for the barony where such offence shall have been committed before the presenting term which shall take place next after that following the commission of such offence, and the notices of such applications shall be posted accordingly; and it shall not be lawful for any grand jury to make any presentment for compensation for malicious injury under the provisions of this Act, except at the presenting term next ensuing to the presentment sessions where application shall have been made therefor.

CXXIV. Provided and enacted, That every person or persons who shall under the provisions of this Act apply for compensation for any loss or damage occasioned by malicious injury as aforesaid shall, within three days after the commission of the said injury, unless prevented by illness or other sufficient cause, give in his, her, or their examination, or that examination upon oath shall be given by his, her, or their servant or servants who had the care of his, her, or their property so injured, before some Justice of the Peace of the county, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them; and in such case such examiner or examiners shall be bound by recognizance to prosecute such offender or offenders by indictment or otherwise, according to the laws of this kingdom.

CXXV. That all such applications whatsoever for compensation for loss or damage sustained by malicious injury shall be laid by the acting clerk of the crown before the Judges of the Court of Queen's Bench on the first day of the next presenting term; and in case any person paying grand jury cess for the said county or any barony chargeable with the sum presented

by the grand jury, upon any such application, shall be desirous of opposing any such presentment, or in case any person whose application for compensation shall have been disallowed by the grand jury shall wish to have his or their application re-considered, such cess-payer or person or persons applying for compensation shall be heard; and in either of such cases the Judges, if they shall so think fit, shall direct a jury to be forthwith impanelled to try the matter of such presentment or application respectively at Nisi Prius, and according as the issue shall be found for or against such cess-payer the Judges shall discharge, alter, or fiat such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the Judges of the said court shall direct the grand jury for the time being to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries impanelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said Judges to award by rule for that purpose costs to the parties for whom the issue shall be found against the other party or parties respectively in any sum not exceeding 10*l.* sterling; and the said Judges are hereby empowered to direct and issue forthwith an order or orders in the nature of an execution against such last-mentioned party or parties respectively, which said order or orders the sheriff of such county is hereby required to execute in the same manner as in cases of execution against the chattels and effects of defendants.

CCXXVI. That no presentment for compensation for loss or damage as aforesaid shall at any time be removed by certiorari, nor shall any such presentment be at any time quashed for any informality, imperfection, or defect in form whatsoever; and no traverse, save as hereinbefore directed, shall be allowed or received to any presentment, nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act, be brought or prosecuted against any chief or other magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

CCXXVII. Provided and enacted, That in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distance of one mile of the boundary between the said county of Dublin and any one or more counties, the person or persons who shall sustain such injury may apply for compensation in the manner hereinbefore directed in either or any one of such counties; and such application, if made in the county of Dublin, shall be made in the manner hereinbefore directed, but if in any other county in the manner authorized and directed by any Act or Acts in reference to such county; and all proceedings shall be taken thereupon as hereinbefore provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury as and for compensation to the person or persons applying as aforesaid, the Judge at the Assizes of such county, or at the presenting term for the county of Dublin, shall have power and authority to apportion the amount of such compensation amongst such counties or any baronies thereof, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such presentment shall thereupon be diminished, or presentment made according to the proportions which the said Judge shall direct to be paid by such county; and the grand jury or grand juries of the said other county or counties respectively shall and they are hereby required, on the production of the certificate of such Judge declaring the proportion to be paid by such county or counties, to present such proportion, when the same shall exceed 100*l.*, to be raised off the county at large, and if such proportion shall be under 100*l.*, to be raised off the barony or baronies in or near to which such injury shall be alleged to be committed, and paid to the person or persons so applying, as the case may require.

CCXXVIII. That no fee shall be demanded from or paid by any such cess-payer or person applying to the clerk of the crown, judges' crier, or jury, for any matter or thing relating to any such application, presentment, or trial.

CCXXIX. That it shall be lawful to and for the Justices of the Peace for the said county of Dublin, at the Quarter Sessions next after the 1st of January, 1845, and they are hereby required, to divide the said county into two coroners' districts, appropriating a certain number of the baronies to the one district and the remainder to the other, and to allocate one of these districts to each of the coroners of the said county; and that hereafter whenever any death attended with suspicious circumstances shall occur, or any dead body be found in any district, it shall be the duty of the sub-inspector of the constabulary, or superintendent of metropolitan police, acting for the district in which such death may take place, or in his absence for the head constable or other constable having charge of such district, to give immediate notice thereof to the coroner of the district in which such death may have taken place, or said dead body have been found, and if his attendance cannot be obtained, then to the coroner of the other district, in order that an inquest may be held: Provided always, that no inquest shall be held by any coroner in any district other than his own, except during the absence or illness of the coroner of such other district, or during the vacancy of such officer.

CCXXX. That the head constable of each district shall henceforth be *ex officio* an inspector of weights and measures within such district, and shall possess and exercise all the powers, authorities, and provisions which any inspector of weights and measures may possess under and by virtue of an Act 5 & 6 Will. 4. c. 63, and shall perform such duties, under the direction of the Magistrates at petty sessions, without fee or reward, and notwithstanding any manorial jurisdiction or claim of jurisdiction within such district.

CCXXXI. That it shall be lawful for the grand jury of the county at each presenting term to appoint a committee to superintend and have charge of each court house belonging to the county, or rented for the use thereof, and to authorize such committee to expend a sum not exceeding 40*l.* in petty incidental repairs which may become necessary in such court house; and the finance committee, upon being satisfied as to its just application, shall pay the same.

CCXXXII. That from and after the 1st of March 1845 the office of treasurer of the county of Dublin, and also the office of inspector of accounts and grand jury presentments in the said county of Dublin, shall cease and be abolished.

And after reciting that the said office of treasurer was created and has existed since the passing of an Act, 26 Geo. 3,

for the regulation of presentments in the county of Dublin; and that it is just and reasonable that the present officer, who has filled the said office for a period exceeding twenty years, should have compensation granted to him:—

It is Enacted,

CXXXIII. That it shall and may be lawful for the said officer to apply by memorial to the Lords Commissioners of Her Majesty's Treasury for compensation for the loss of his office, which memorial shall contain a statement of the number of years during which he shall have acted as such treasurer, and of the yearly sum or salary received by him for the last ten years respectively; and the said Lords Commissioners shall thereupon make such order as to them shall seem just; and such order signed by three or more of such Lords Commissioners shall be binding on all parties; and the said Lords Commissioners shall and may in such order direct that the said compensation shall be paid to such officer, in such yearly sum for and during the term of his natural life, or in one gross sum in lieu of all demands upon the county, as to them shall seem just and reasonable, and that it shall and may be lawful for the grand jury of the said county, and they are hereby required, at each presenting term, without previous application at presentment sessions, to present such sum to the said treasurer to be raised off the county at large: Provided always, that such yearly payment may be at any time commuted for a principal sum, payable immediately or by instalments, at such rates as may be agreed upon between the said officer and the grand jury of said county at any presenting term, and such grand jury may present such sum accordingly.

CXXXIV. That it shall be lawful for any person paying grand jury cess for the county to traverse any presentment made under this Act by the grand jury of such county, and also to object to the application of any contractor under this Act for payment, on the ground of such contractor not having complied with the terms of his agreement, or with the provisions of this Act; and the Court at each presenting term is hereby authorized and required to try the truth of the fact by a jury, in the same manner as any traverse within the jurisdiction ought to be tried; and it shall not be lawful for the clerk of the crown or clerk of the peace to take any fee in respect of such traverse, and costs shall be paid by the party against whom such traverse shall be found: Provided always, that although there shall be verdict against such traverse, yet if the Court shall be of opinion that there was reasonable and probable grounds for traversing such presentments, or the application of such contractor, the costs shall be paid by the finance committee from and out of the county monies to their credit; and the grand jury shall present the same without previous application to presentment sessions: Provided also, that every person intending to traverse any presentment or payment for which it is by this Act required that application shall be made at the presentment sessions, shall give notice in writing of such intention to the secretary of the grand jury, within two days after the first day of such sessions, and the same or any other presentment shall be traversed only at the presenting term at which the presentment shall be made.

CXXXV. That it shall be lawful for any occupier or owner of the ground through which any new road is to be made, or into which any old road is to be widened, to traverse the presentment for the same for damages at such presenting term aforesaid, having given like notice to the chairman of the presenting sessions, and to the secretary of the grand jury, previous to the commencement of such presenting term, of the amount of damage intended to be claimed, which traverse or traverses shall be tried then or at the ensuing presenting term, upon the entry in the crown book of the presentment and traverse, without making up any record; and the jury which shall try such traverse shall be sworn true verdict to give, whether any and what damages will occur thereby to the traverser, taking into consideration any collateral advantages which may result or accrue to such traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the grand jury to present, without previous application at presentment sessions, such sum or sums of money so found for damages to be raised off the county or off the barony respectively in which the traverser shall have made it appear that he or she sustained the damages, and to such latter presentment no traverse shall be allowed or received; and upon the damages so found being presented for the use of such traverser, or deposited for his or their use with the secretary of the county, it shall be lawful for the contractor to proceed in the execution of the presentment without the interruption of any person.

CXXXVI. That every district surveyor, and every contractor for any work to be executed by grand jury presentment, shall have power and authority to dig for, raise, and carry away in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby further empowered to make drains, in order to carry off water which might injure any bridge, gullet, arch, pipe, wall, or road, in or through any lands not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be agreed upon between the parties, or assessed by three appraisers, which appraisers shall view the ground immediately previous and immediately after such damages shall be committed, one of such appraisers to be named by the owner or occupier of the land, and another by the surveyor or contractor, and the third by any neighbouring Justice of the Peace; and in case any surveyor or contractor shall refuse, or after four days notice in writing from such landholder, neglect to name an appraiser on his part, then one shall be named for him by such Justice; and such three appraisers shall be sworn by such Justice of the Peace (previous to the damage being committed) to be appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel, or other materials shall not be included, but only the waste committed by breaking the surface, and making a passage through the land, unless where such stones, gravel, or materials shall be taken from any quarries or gravel pits *bona fide* demised, with liberty to work the same; and the amount of the damage to be awarded shall be paid to the owner or occupier of the ground as awarded, and *la.* each to the appraisers, within one week after the award, and in default of payment may be recovered in summons before any Justices at petty sessions: Provided always, that it shall not be lawful for any such contractor or surveyor to enter any lands for any such purpose against the will of the occupiers thereof without the previous order of two Justices of the Peace at petty sessions, which order such Justices are hereby authorized and required to grant, on its being proved to their satisfaction that the gravel, stones, or other materials sought cannot be conveniently procured elsewhere, nor such drain otherwise sufficiently made or cleansed.

CXXXVII. That it shall not be lawful for any such surveyor or contractor to dig, raise, and carry away any gravel, stones, sand, or other materials from the side of any public road, or from any beach or sea shore, whereby a public road or bulwark or defence to any building or any land adjoining any road, may be injured, and that any person who shall be convicted thereof on the oath of one or more credible witnesses before any Justice of the Peace shall for every such offence forfeit and pay a sum not exceeding 5s. for every cart-load of such gravel, stones, sand, or other materials so dug, raised, or carried away, to be levied, by warrant of distress under the hand and seal of such Justice, off the goods and chattels of such offender.

CXXXVIII. That the drivers of every kind and species of vehicle, and all persons riding or driving any animal or animals, laden or unladen, on any road or in any street in the said county, shall keep their left-hand side of the road or street in going or coming thereon, leaving the other side free to all other passengers, and when they may have occasion to pass any other persons going in the same direction with themselves shall, in all cases where it is practicable, take and go on the right hand side of such persons; and on every cart, car, or other carriage without springs on any road upon which Her Majesty's mails are conveyed in coaches, or any other road being a county road, the name and surname and residence of the owner of such vehicle shall be painted in white Roman letters one inch long at the least; and every car or cart drawn by one horse, mule, or ass shall have a double rein extending back to such car or cart; and if any person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any person shall drive any vehicle on any such road, whereon the name of the owner is not painted, or without a double rein as aforesaid, it shall and may be lawful for any magistrate, constable, or turnpike keeper to stop and detain such offender, and the vehicle and animal or animals on which or with which such offender shall be, and forthwith to carry or convey such offender before any Justice of the Peace for the county where such offence shall be committed, or for any person whatsoever to lodge information against such offender before any such Justice; and upon being convicted thereof upon the oath of one credible witness every such person so offending shall forfeit and pay any sum not exceeding 5s., to be levied by distress and sale of the goods and chattels of such offender, or by distress and sale of the carriage and horse or horses or other beasts, and the goods therein or thereon, wherewith such offender shall have been travelling at the time of such offence, such distress to be made under the hand and seal of such Justice, rendering the overplus (if any), after deducting the said fine and expenses of such distress and sale, to the owner or owners, on demand, one half of the amount of the penalties so levied to be paid to the informer, and the remaining half to the dispensary of the district, or such other charitable purpose as the Justices shall direct; and if distress sufficient for such penalty or penalties shall not have been seized or found it shall and may be lawful for such Justice and he is hereby empowered and required to commit such offender so convicted to the common gaol for any time not exceeding one calendar month, unless such offender shall sooner pay and satisfy the damages which shall happen in consequence of any such neglect or default as aforesaid.

CXXXIX. That no house or part of a house shall be built within twenty feet of the centre of any road, or within ten feet of the side thereof (except in the streets of corporation or market towns, or except where a house now stands), and that if any person shall offend herein every such person shall, upon conviction before any Justice of the Peace, forfeit and pay a sum not exceeding 10l., and a further sum not exceeding 10s. for every week after such conviction, until the same shall be pulled down or removed; and no windmill shall be built within two hundred feet, and no limekiln within one hundred feet, of the centre of any public road; and it shall be lawful for any Justices, at a general sessions of the peace, to direct any house, limekiln, or windmill built or building contrary to this Act to be pulled down, and to issue their orders to any constable or constables for that purpose, which order every sub-inspector or head or other constable shall aid and assist in executing; and the centre of the road, for the purposes of this Act, shall be deemed to be the centre of the part thereof made with gravel or small stones.

CXL. That if any person shall scour, deepen, widen, or fill up any ditch or drain on the side of any road, without the consent or direction of the district surveyor or a road warden, or if any owner or occupier shall omit to scour any ditch or drain leading from any public road, so as to give full liberty to the water to pass away, within ten days after notice shall be given to him or her so to do by such surveyor or a road warden or any Justice of the Peace, or shall permit or suffer the free passage of the water to be obstructed by making or having any way or passage from any road into the lands adjoining, or to his or her house, without a sufficient pipe, sewer, or gullet, underneath; or shall ride or drive any horse, beast, or other cattle, or any cart or carriage, willingly or unnecessarily, on or against any footpath; or shall wilfully cross, so as to prevent any other person passing him, or shall drive furiously, so as to endanger passengers on any public road; or shall steep or dry any flax, or burn any bricks or lime, or any weeds or vegetables for ashes, or permit the same so to be steeped, dried, or burned, on his or her land, within one hundred feet of the centre of any public road; or shall light any fire, or shall cut any turf, or make any turf stacks on any public road, or within forty feet of the centre of the same; or shall build any wall, or make any ditch, or dig any pit or hollow, on any public road, within thirty feet of the centre thereof, or within fifteen feet of the side thereof, unless by authority of any presentment; or shall lay or cause to be laid any dirt, dung, turf, straw, rubbish, or scouring of any ditches or drains, or any stones, bricks, timber, sand, clay, or lime, on any public road, or within thirty feet from the centre of such road, or shall suffer same to be laid in any county road opposite to his land; or shall leave on any public road, or permit to be left on the same, opposite to or near his or her house or offices, any plough or harrow, or any cart or car, dry or other carriage, without the horse or horses or other beast or beasts being harnessed thereto, unless such carriage shall have been accidentally broken down there; or shall spread any linen, blanket, or cloth for winnowing corn within one hundred feet of the centre of any public road; or shall spread any clothes for drying on the side of any road; or shall slaughter any beast, or leave any dead beast, on any road; or skin or permit to be skinned the carcase of any beast on any public road, or within one hundred feet of the centre thereof, unless in a house or yard inclosed with walls; or shall hoop, cleanse, fire, or scald any cask, or bind any cart or car wheels, or shall beat any flax, or winnow any corn, or erect any may-pole, maybush, or sign-post, on any road; or shall make or assist in making any fire or fires commonly called bonfires, or shall wantonly set off and throw any squib, rocket, or other firework, within eighty feet of the centre of any road; or shall bait any bull, or play at foot-ball, hurling, or any other game or games, upon any road or the sides thereof, or fly any paper kite to the annoyance of passengers; or shall keep any cur, mongrel, mastiff, or bull-dog, or other dangerous dog, without having such dog muzzled, or a block of wood, of sufficient weight to prevent such dog being dangerous, fastened to the neck of every such dog, at any house within

fifty yards of any public road; or shall leave or suffer any horse or goat, swine or other animal, his property, to feed or wander on any road; or shall, without the consent of the district surveyor or a road warden, scrape any public road, or cut any sods of turf on the side of any such road, or take away any earth, clay, scrapings, stones, or gravel therefrom; or make any drain, gutter, sink, or watercourse across, or otherwise break up or upon the surface of any road or footpath; or shall load or drive any car or carriage with timber, boards, or iron laid across, so as that either end may project more than thirty inches beyond the wheels and sides of the carriage; or shall draw any timber or millstone along any part of a public road without being supported by wheels from touching the same; or shall neglect to cut or clip the hedges at the side of any public road at a height not exceeding five feet, timber trees therein excepted, within ten days after being noticed so to do by any Justice of the Peace for the said county, district surveyor, or road warden, provided that no such notice shall be given from the 1st of April to the 1st of September; or, being a blacksmith, and having a shop or forge with a window fronting any road, shall neglect, after it becomes twilight, to bar and prevent light from such shop shining into such road; every person so offending shall, upon conviction by the oath of one credible witness before any Justice of the Peace within his jurisdiction, or upon the view of any such Justice, forfeit a sum not exceeding 10s. for every such offence; and it shall be lawful for such Justice, by warrant under his hand and seal, to empower such district surveyor or road warden to fill up any ditch or drain which shall be scoured, deepened, or widened, or to scour any drains which have been filled on the side of any road without such direction or consent as aforesaid; and to scour or deepen any drain or ditch, or remove any way or passage leading from any road into any adjoining land, or to any house which may obstruct the free passage of the water, and to remake the same by building a gutter, sewer, or arch therein; and to remove any brick or lime kilns, weeds or vegetables for making ashes, which shall be burning, or any flax which shall be steeped or drying, within one hundred feet of the centre of any public road; and to pull down any sign-post, may-pole, or may-bush; and to pull down or fill up and level any wall, drain, or ditch which shall be built or made or begun to be built or made contrary to this Act; and to have removed the carcase of any dead beast which shall remain in or near any public road contrary to this Act; and to have every such hedge effectually clipped and cut, timber trees alone excepted; and to levy the expense of so doing by distress and sale of the goods of the offender, or of the occupier of the lands wherein such way, passage, or drain shall be, rendering the overplus (if any) to the owner, after deducting the sum of 1s. in the pound for the expense and trouble of taking such distress.

CLX. That all dirt, dung, turf, straw, rubbish, and all clay, stones, bricks, sand, or lime, which shall be laid on any public road, or within thirty feet of the centre thereof, without such consent or direction as aforesaid, shall be and is hereby declared to be forfeited; and it shall be lawful for any person whatsoever, having obtained permission from the surveyor or a road warden, or one Justice of the Peace for the county, to take, carry away, and convert the same to his or her own use, as also all corn which shall be laid on any public road for the purpose of being winnowed, or shall be winnowing thereon, or remain there after having been winnowed thereon, together with the sacks or winnowing cloths whereon the same may happen to be, and all flax which shall be beating on any public road, or to be laid there for the purpose of being beaten, and any may-bush or may-pole which shall be erected on any public road, without the let, suit, trouble, or hindrance of any person whatsoever.

CLXII. That for every cart-load of dung, rubbish, or scouring which shall have been laid on any public road, or within thirty feet of the centre thereof, contrary to the provisions of this Act, and which shall be drawn away by the directions of any magistrate, district surveyor, or road warden after having remained there for twenty-four hours, the person by whom or by whose order the same was laid there, or who shall be liable to penalty for the same being laid there, upon conviction before any Justice of the Peace within his jurisdiction, by the oath of one credible witness, shall forfeit not exceeding 2s. 6d. for every day the same shall have remained there; and it shall be lawful for any Justice of the Peace within his jurisdiction to issue his warrant to order any dangerous dog which shall be kept near any public road contrary to the provisions of this Act to be killed, and the district surveyor or road wardens and constables within their respective jurisdictions may seize or kill any such dog.

CLXIII. That it shall be lawful for any constable or other person to seize and impound, or cause to be seized and impounded, any horse, mule, ass, bull, cow, sheep, goat, swine, or beast which shall be found wandering or feeding upon any public road, the owner whereof is unknown, except in such parts of any road as lead or pass through or over any commons or waste or uninclosed ground, or about the streets or passages of any town, and to make complaint to any Justice of the Peace; and in case the owner thereof shall not be discovered within seven days it shall be lawful for such Justices to cause such swine or beast to be sold, and out of the money arising from the sale thereof to pay a penalty not exceeding 2s., and expenses of impounding, keeping, and selling the same, rendering the overplus, if any, to the owner, notice of such sale, in which shall be inserted the name of the parish and townland where such swine or beast was seized, being first posted up in some conspicuous place in the parish where seized, and at the place where impounded, three days at the least before the time of sale; and that it shall be lawful for any Justice, peace-officer, constable, surveyor, or road warden within their respective jurisdictions to cause notice in writing to be served upon or left at the dwelling-house or usual place of abode of any person, or upon the occupier of any house or land, in any of the streets or passages of any city, town corporate, or market town, who shall lay in any such street or passage any dirt, dung, turf, rubbish, stones, bricks, timber, sand, clay, lime, or other nuisance, or shall leave any dead beast or skin, or permit to be left or skinned the carcase of any beast, or shall erect or suffer to be erected any may-pole, may-bush, or sign-post, or shall dig or leave open any pit or hole, or suffer any such to be dug or left open, or shall keep any dog without being muzzled, or having a block of wood of sufficient weight fastened to the neck of such dog, to remove or abate such nuisance; and if such person shall neglect to remove or abate any such nuisance for forty-eight hours after such notice shall have been served or left as aforesaid it shall be lawful for such Justice, officer, constable, or surveyor or road warden as aforesaid to remove such nuisance, and apply the same to his own use, and to fill up such pit or hole; and every person who shall be convicted of such neglect, on the oath of one credible witness, before any Justice of the Peace of the county at petty sessions, or chief Magistrate of the town where the offence shall be committed, shall for every such offence forfeit and pay a sum not exceeding 10s., to be applied in aid of the dispensary of the district, or such other charitable purpose as the Justice shall direct.

CXLIV. Provided and enacted, That nothing hereinbefore contained shall render any district surveyor, or any contractor for any public work under this Act, liable to any penalty for any act done or performed by the said surveyor, or in the discharge of the duties of his office, or by any such contractor in the due and necessary execution or performance of his contract; but if any such surveyor or contractor shall lay or cause to be laid any heap of stones, gravel, rubbish, or other matter whatever upon any public road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor or contractor to prevent any such danger or damage, such surveyor or contractor shall forfeit for every such offence any sum not exceeding 40s.

CXLV. That if any district surveyor or contractor for the repairing of any public road in the said county shall think that any obstruction is caused in any public road by any trees, so as to occasion danger to the public, it shall be lawful for such surveyor or contractor, and they are hereby, each or either of them, authorized, to require the owner of the land on which such trees are growing to cause such trees to be pruned or lopped, so as that such road may not be prejudiced or obstructed by the same; and if such owner shall not comply with such request within ten days it shall and may be lawful for such surveyor or contractor, and they are hereby respectively authorized and required, to summon such owner before the Justices assembled at any petty sessions for such county, to shew cause why he has not complied with such request; and if such Justices shall order and direct that such trees shall be pruned or lopped, and if the said owner shall not obey such order within ten days after the making of the same, it shall and may be lawful for such surveyor or contractor to prune or lop such trees, and to remove such obstruction as aforesaid, to the best of their skill and judgment; and the said surveyor or contractor shall be reimbursed by the said owner what charges and expenses he shall be at in pruning or lopping such trees; and it shall be lawful for such Justices at petty sessions as aforesaid to direct such charges and expenses to be levied by distress and sale of the goods and chattels of such owner, in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no person shall be compelled, nor any such surveyor or contractor permitted, to cut or prune any hedge at any other time than between the last day of September and the last day of March.

CXLVI. That if any person shall wilfully prevent, assault, or threaten to assault any surveyor, contractor, collector, or other county officer in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring or laying out any line intended for a new road, or if any person shall wilfully destroy, pull up, deface, or injure any surveyor's instruments or implements used in public works, or any milestone, mile post, or direction post, or any bridge, battlement, wall, railing, mound, or fence erected or repaired by presentment, or shall wilfully break, deface, pull down, or take away stones out of any such battlement, wall, mound, or fence, or out of any court house, gaol, house of correction, pier, or other building, or out of any bridge, pipe, arch, or gullet, built or repaired by presentment, every person so offending shall forfeit and pay for every such offence, upon conviction, by the oath of one credible witness, before any two Justices of the Peace at petty sessions, such sum not exceeding 10*l.* as the said Justices shall think fit; and in case the same shall not be paid such Justices are hereby empowered and required to commit such offender to any gaol, bridewell, or house of correction for any time not exceeding three months, or until the said forfeiture shall be paid; and it shall be lawful for the secretary of the county, if directed by the grand jury so to do, to commence and prosecute an action on the case against any person or persons by whom such injury may have been committed, and for recovering of damages to the amount thereof from such person or persons for the use of the county, and when the damages sought to be recovered do not exceed 30*l.* to sue for the same by civil bill before the chairman of Kilmainham; and in every such proceeding the property so injured or destroyed shall for the purpose of such proceeding be deemed to be the property of such secretary.

CXLVII. That every sub-inspector, head constable, and other constable shall and he is hereby required to report all such nuisances as shall occur within his district to the Magistrate or Magistrates at petty session next to be holden in and for the said district, who shall hear and decide, and punish by fine or otherwise as hereinbefore directed.

CXLVIII. That no contract for any public work under the provisions of this Act, or any recognizance to be entered into for the execution of the same by virtue of this Act, or any receipt given by any collector under this Act, shall be liable or subject to any stamp duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the amount of any such contract, or the sum for which any such recognizance shall be conditioned, or the sum sought to be recovered by virtue of such recognizance or contract, shall not exceed the sum of 100*l.* it shall be lawful to proceed against any such contractor or his securities for such sum, or for damages for the breach of any such contract, by civil bill before the chairman of Kilmainham; and the said chairman shall have full power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree of judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such chairman.

CXLIX. That all fines and forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of a Justice of the Peace, together with all expenses attending the levying the same; and all such fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given one half to the informer, when the Justice convicting shall so direct, and the other half, or the whole if not awarded to the informer, to such dispensary, hospital, or infirmary as the Justice shall direct; and in case any fine be not immediately paid upon conviction, or within such time as the Justice shall appoint, it shall be lawful for the Justice of the Peace before whom such conviction shall have been made to commit the offender to gaol for any time not exceeding two months, or until the fine be paid.

CL. That when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio* on account of any subsequent irregularity on the part of the party or parties dis-

training, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

CLL. That if any person shall be sued, molested, or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter, or thing pursuant thereto, such person shall and may plead the general issue, and give the special matter in evidence, and may avow the taking of any distress on the acting finance committee and Justices warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment given against him, her, or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismissal upon a civil bill, such defendant or defendants shall have his, her, or their treble costs, to be recovered by such method and manner whereby law costs are given to defendants; and no inhabitant, magistrate, or cess-payer of the county shall be deemed to be an incompetent witness in any court of law or equity by reason of his being liable to be rated or being rated or assessed towards the payment of any money presented or to be presented by a grand jury.

CLIII. That it shall not be lawful for any Justice of the Peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any grand jury, without any previous application to presentment sessions, to make such presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

CLIII. That the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the Schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable: Provided always, that it shall and may be lawful to erase or alter any words in such forms, so as to make them applicable to any particular case, without materially altering the substance, but no further; and that no notice, recognizance, warrant, traverse, presentment, or other proceeding or matter whatsoever, served, made, taken, or had under this Act, shall be impeached on any technical or formal grounds, or for informality, provided it shall be in substance conformable to the provisions of this Act.

And for the more easy and speedy conviction of offenders against this Act,—

It is Enacted,

CLIV. That any Justice or Justices of the Peace before whom any person or persons shall be convicted of any offence against this Act shall and may cause the conviction to be drawn up in the following form of words, or in any form of words to the same effect, as the case shall happen:—

'As it remembered, That on the 'convicted by and before 'made in the 'Act]; and I the said Justice [or we the said Justices] do hereby adjudge and determine that the said 'for his said Offence forfeit and pay the Sum of 'be forthwith paid by him [here direct the Payment according to the Act]. Given under my Hand and Seal [or our Hands and 'Seals], this Day and Year first above-mentioned.'	Day of in the Year of our Lord of Her Majesty's Justices of the Peace for the County of Dublin, for that the said [here insert the Offence, and the Time and Place when and where the same was committed,] contrary to the Statute Year of the Reign of Her Majesty Queen Victoria, intituled <i>An Act [here set forth the Title of the</i> do hereby adjudge and determine that the said lawful Money of Ireland, and do order that the same shall [here direct the Payment according to the Act]. Given under my Hand and Seal [or our Hands and Seals], this Day and Year first above-mentioned.'	A. B. is for that the said contrary to the Statute shall the same shall [or our Hands and Seals], this Day and Year first above-mentioned.'
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CLV. That no action shall be commenced against any person or persons for anything done in pursuance of this Act after six calendar months next after the fact committed, nor unless notice in writing shall have been given to the defendant or defendants twenty-one days before such action shall be commenced of such intended action, signed by the attorney for the plaintiff or plaintiffs, specifying the cause of such action; nor shall the plaintiff or plaintiffs recover in such action if tender of sufficient amends hath been made to him, her, or them, or to his, her, or their attorney, by or on behalf of the defendant or defendants, before such action brought; and every such action shall be laid and tried in the county of Dublin, and not elsewhere; and if any such action shall be brought before twenty-one days' notice shall have been given thereof as aforesaid, or after a sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same, or shall be brought in any other county than as aforesaid, then and in such case the jury shall find a verdict for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or actions after the defendant or defendants shall have applied, or if upon demurrer judgment shall be given for the plaintiff, then and in that case the defendant shall recover double costs, and shall have the like remedy for the recovery thereof as any defendant or defendants hath or have for costs of suit in other cases by law.

CLVI. That in the construction of this Act the words "Lord Lieutenant of Ireland" shall extend to and include any Lords justices or other chief governor or governors of Ireland for the time being; and the words "county of Dublin, and any barony thereof," shall be construed with reference to and as the boundaries thereof are defined in an Act, 5 & 6 Vict. c. 96, intituled, *An Act to alter the Number and define the Boundaries of the several Baronies in the County of Dublin;* and every half acre or more shall be considered and deemed a barony; and the word "park" or "house" to include and be construed to mean a court-yard, garden, or orchard; and the words "stipendiary Magistrate" shall include a Justice or Magistrate of police; and the words "petty sessions" shall be deemed or taken to include a police divisional office; and every word importing the singular number shall extend and be applied to several persons, animals, or things, as well as to one person, animal, or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male; unless the contrary thereof shall be expressed, or that any such construction as aforesaid shall be inconsistent with or repugnant to the context.

CLVII. That this Act shall commence and take effect from and after the 1st of January 1845, except where any other commencement or any other act or thing is specially directed or authorized: Provided always, that all presentments and contracts made, or money to be levied, accounted for, or paid, under or in consequence of any Act or Acts in force in Ireland before

the commencement of this Act, shall be levied, accounted for, and paid in manner provided by the said former Act or Acts, and subject to the rules, regulations, and provisions therein contained, anything herein to the contrary notwithstanding: Provided also, that nothing herein contained shall be construed to affect, alter, or abridge the powers, duties, and liabilities of any overseer, contractor, or other person vested in or exercised by him or them under the provisions of the said former Act or Acts, as far as respects the completion of any work or works so presented and begun and entered upon at any time before the commencement of this Act.

CLVIII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE No. 1.

Declaration of Justices.

I *A. B.* of [*here insert the Name and Place of Abode of the Justice taking this Declaration*] do declare, That I am a Justice of the Peace of the County of Dublin, and that I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*]; and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into and impartially and honestly judge and determine according to the Evidence, and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act. Witness my Hand.

SCHEDULE No. 2.

Declaration of associated Cess-payers.

I *A. B.* of [*here insert the Name and Place of Abode of the Cess-payer taking this Declaration*] do declare, That I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set out the Title of this Act*]; and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into, and impartially and honestly judge and determine, according to the Evidence, and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act. Witness my Hand.

SCHEDULE No. 3.

Form of Application for making a new Line of Road.

County of } We of and of do certify, That in our Opinion it would be useful to make a new Line of Road from to between and and that such new Line of Road is Perches in Length, and that said Perches are in the Townland [*or Townlands*] of in the Barony [*or Baronies*] of in this County; and we propose that Presentment for such Purpose be made under and by virtue of Section of the Chapter of [*here set out the Reign*] being an Act for [*here set out the Title of this Act*]; and that the Expense of the same shall not exceed Pounds, and shall be defrayed by the County at large [*or Barony or Half Barony or Baronies of*].

(Signed) *A.B.*
C.D.

SCHEDULE No. 4.

Form of Application for the Repairs of Roads.

County of } We of and of do certify, That we have lately viewed and measured of Perches of the Road from to between and and that the said Perches are in the Townland [*or Townlands*] of between the Houses and Lands of *A. and B.*, all in the Barony of in this County; and that the same are in need of Repair, and will require Repair during the ensuing Year, and that we propose that the Expense of the aforesaid Repairs shall not exceed Pounds for the ensuing Year, and shall be defrayed by the County at large [*or Barony or Half Barony of*]; and that Presentment for such Purpose may be made under and by virtue of the Section Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act*].

(Signed) *A.B.*
C.D.

SCHEDULE No. 5.

Form of Application for widening Roads and making Fences instead of those to be taken away.

County of } We of and of do certify, That we have lately viewed and
 } measured Perches of the Road from to between and
 in the Townland [or Townlands] of all in the Barony [or Half Baronies] of in this County; and that
 every of the same is Feet wide, and no more, in the Clear within the Fences; and we are of opinion that it would
 be useful to the Public using such a Road to widen the same, so as to make that Part of the Road Feet wide in
 the Clear, and safe and level throughout the whole of the said Width, and to make new Fences instead of those which shall
 be taken down or destroyed in order to widen the same; and we propose that the Expense of widening and repairing the same
 shall not exceed Pounds, and shall be defrayed by the County at large [or Barony or Half Barony of],
 and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter
 of [here set out the Reign], being an Act for [here set out the Title of this Act].

(Signed) A.B.
C.D.

SCHEDULE No. 6.

Form of Application for making or repairing Footpaths.

County of } We of and of do certify, That in our Opinion it is necessary
 } to make [or repair] Perches of Footpath on the Road from to between
 and all in the Barony of in this County; and we propose that the Expense of the
 aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [or Barony or Half Barony
 of], and that Presentment for such Purpose may be made under and by virtue of the Section of
 the Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act].

(Signed) A.B.
C.D.

SCHEDULE No. 7.

*Form of Application for Presentments to fill Grips or Trenches on the Sides of the Road, and making sufficient Fences
 instead thereof.*

County of } We of and of do certify, That we have measured
 } Perches of the Road from to between and all in the
 Barony of in this County, where there are Perches of immediately adjoining the said
 Road, of the average Breadth of and Depth of which are open and dangerous for Passengers and
 Travellers, and that it is necessary for the Safety and Security of the Public frequenting such Road to fill up the same, and
 to make a sufficient Fence instead thereof; and we propose that the Expense of the aforesaid Work shall not exceed
 Pounds, and shall be defrayed by the County at large [or Barony or Half Barony of], and that Presentment for
 such Purpose may be made under and by virtue of the Section of the Chapter of the [here set out
 the Reign], being an Act for [here set out the Title of this Act].

(Signed) A.B.
C.D.

SCHEDULE No. 8.

Form of Application for filling Dikes or Holes on the Sides of Roads.

County of } We of and of do hereby certify, That it is necessary for
 } the Security of Travellers to fill up the Dikes [or Holes] immediately adjoining Perches of the
 Road from to between and all in the Barony of in this County;
 and we propose that the Expense of the said Work shall not exceed Pounds, and shall be defrayed by the County at large
 [or the Barony or Half Barony of], and that Presentment for such Purpose may be made under and by virtue of
 the Section of the Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act].

(Signed) A.B.
C.D.

SCHEDULE No. 9.

Form of Application for lowering a Hill or filling a Hollow, or both, &c.

County of } We of and of do hereby certify, That we have lately
 } viewed Perches of a Road in the Townland of Barony of
 in this County, and we are of opinion that it would be useful [here insert the Work proposed]; and we propose that the Expense

of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [or Barony or Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act].

(Signed) A.B.
C.D.

SCHEDULE No. 10.

Form of Application for erecting, enlarging, or repairing any Building whatsoever.

County of } Wz of and of do certify, That we have lately viewed and examined and that it will be useful to [here set out the Work] at in this County: and we propose that the Expense of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large [or Barony or Half Barony of], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act].

(Signed) A.B.
C.D.

SCHEDULE No. 11.

Form of Application for Payment by a Contractor for a public Work.

County of } WHEREAS the Sum of was, by virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act], presented at Term in the Year for [here set out the Work contracted for], in the Barony of in this County: And whereas I contracted for the Work aforesaid: Now this is to certify, That I have faithfully and honestly executed the said Work [or set forth the Portion of the Work], in conformity to the Presentment for the same, and to the Terms of the Specification, and that every Part of the said Work [or the Proportion of said Work] was finished on the Day of and I hereby apply for the Payment of the said Sum of .

(Signed) A.B., Contractor.

SCHEDULE No. 12.

Form of Application for Payment by a Contractor for Works of Maintenance.

County of } WHEREAS at the Term in the Year by virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act], Perches of the Road from to between and in the Barony of in this County, were presented to be kept in repair for Years, by Contract, at the yearly Sum of : And whereas I contracted for the same: Now this is to certify, That the said Perches and every Part thereof have been kept in good and sufficient Repair and Condition since the Commencement of my Contract, in conformity with the Presentment and Specification; and that the said Perches, and every Part thereof, are now in good and complete Repair and Condition, and that the said Perches are free from Nuisances; and I hereby apply for Payment of the Sum of for keeping the said Perches in repair for Months.

(Signed) A.B.
C.D.

SCHEDULE No. 13.

Form of Recognizance for Execution of Contract.

BE it remembered, That on the Day of in the Year A.B. of in the County of C.D. of in the County of came before me [One of the Justices, or Chairman, as the Case may be,] at a Presenting Sessions held at in the County of and acknowledged themselves to be held and firmly bound to our Sovereign Lady the Queen, Her Heirs and Successors, in the Sum of Pounds, to which Payment they bind themselves, their Heirs, Executors, and Administrators, and their Estates, jointly and severally: Whereas the above-bounden A.B. has become Contractor, for the Execution of a certain public Work, that is to say [mention it], and the said C.D. and E.F. have become his Sureties for the due Execution of such Work: Now the Condition of the foregoing Recognizance is, that if the said A.B. shall within the Time mentioned in such Contract well and truly execute such Work in the Manner required and agreed on by such Contract, then the foregoing Recognizance to be void, otherwise to remain in full Force and Effect.

SCHEDULE No. 14.

General Form of Presentment for County Works.

County of Dublin, } We present, to be raised off the County at large [or off the Barony of _____ or the Baronies
to wit. } of _____ and _____ as the Case may be], a Sum not exceeding _____
Pounds, to be expended in [here insert the Object of the Presentment, and the Nature of the Work, as particularly as shall
seem necessary], according to the Plan, Specification, and Estimate laid before us and the Court and approved of.

SCHEDULE No. 15.

Salaries to be paid to the County Officers in the County of Dublin.

County of Dublin.

	£.	s.	d.
Clerk of the Peace	450	0	0
Clerk of the Crown	150	0	0
Secretary, not exceeding	450	0	0
Sheriffs	150	0	0
Gaoler of Kilmainham	250	0	0
Crier of Kilmainham	50	0	0
Crier at the Queen's Bench	8	8	0
Crier in the Commission Court	8	8	0
Court Keeper in Queen's Bench	8	8	0
Court Keeper in Green Street	8	8	0
District Surveyor			

SCHEDULE No. 16.

I do declare, That I have not, directly or indirectly, given, paid, or secured, or promised to pay, give, or secure, nor has any Person on my Behalf, to my Knowledge or Belief, given or promised to give, any Sum of Money or other Consideration whatsoever, in order to procure myself to be appointed to the Office of Secretary of the Grand Jury, or [as the Case may be] of the County of Dublin, and that I will not hereafter pay, secure, or give to any Person or Persons any Money, or any Security for Money, in consideration of or in consequence of my having been appointed to such Office; and I do declare, that my Appointment to such Office is totally unconnected with any Arrangement between me and my Predecessor in such Office, nor has any such Arrangement been made by any Person or Persons on my Behalf, to my Knowledge or Belief.

CAP. CVII.—IRELAND.

AN ACT to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law in Ireland payable out of the Consolidated Fund.

(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Offices, &c. abolished.—Exception.
2. Compensation for offices abolished.
3. New officers, assistants, and clerks.
4. New establishments to be formed from the old.
5. Proviso as to salaries of A. Bushe, Esq., and Hon. D. Plunket.
6. Officers to hold no other office, and to have no other emolument than salary.
7. How appointments shall be made.
8. Commissioners of Treasury empowered to increase or diminish establishment.
9. Receipt of law fund duties by officers discontinued.
10. Writs, &c. to be prepared by attornies.
11. Writing clerks to be employed for preparing inrolments and office copies.
12. Searching clerks.
13. Salaries to searching clerks.—Limiting compensation for loss of appointment.—Future appointments.
14. Suitors money to be paid into the Bank of Ireland.
15. All monies deposited in court by suitors to be paid into the Bank of Ireland.
16. Seal fees abolished.
17. Separate seals to be provided for law and equity sides of the court.

18. *Schedules deemed part of this Act.*
19. *Salaries to be paid quarterly out of Consolidated Fund.—Incidental expenses.*
20. *Certificate to be produced on application for payment of salary.*
21. *Masters shall superintend and direct subordinate officers in the several courts.*
22. *Courts may remove or fine officers for misconduct.*
23. *Act not to bar remedies for misconduct in officers.*
24. *All offices in the courts shall be executed in person, except in cases of illness or leave of absence, and then by deputy appointed with consent of the Judge.*
25. *Provision in case of temporary absence.*
26. *Authority to employ clerks who may have leisure in other departments of the Master's office.*
27. *In case of incapacity of principal to appoint, and on vacancies, Chief Justice may appoint, a person to execute offices till vacancy is supplied.*
28. *Officers authorized to take affidavits in the several courts.*
29. *Administration of affidavits, &c. to persons confined by illness or in custody.*
30. *The Judge opening the court on the first day of term shall examine the state of the records there.*
31. *Officers of the courts hereafter to be appointed disabled from practising as barristers or attorneys.*
32. *Master may appoint a retailer of stamps and forms as heretofore.*
33. *No officer shall participate in profits of retailer of stamps, &c.*
34. *Superannuation allowances granted to officers upon retirement.*
35. *Regulating abatement from salaries of officers.*
36. *Taxing officer.*
37. *Vacancy in office of taxing officer how to be supplied.*
38. *Place of taxation.*
39. *Tables of fees, allowances, and charges, and rules to regulate the principles of taxation, to be prepared.*
40. *Pursuivant of the Court of Exchequer abolished, and his duties transferred to the serjeant-at-arms.*
41. *Commencement of Act.*
42. *Act may be altered this session.*

By this Act,

After reciting that by 1 & 2 Geo. 4. c. 53, and 5 Geo. 4. c. 4, establishments of officers, assistants, and clerks were formed for the offices of the said several courts, [mentioned in the titles of the Acts] and for the taxation of bills of costs in common law business, and regulations were made for providing the necessary number of fitting and competent persons to do the business of writing, copying, and engrossing in every such office respectively, the salaries and expenses of which establishments and business were by the said Acts charged upon the Consolidated Fund: And that by an Act, 1 & 2 Geo. 4. c. 112, intituled 'An Act to grant for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law, and to repeal certain other Stamp Duties, in Ireland,' which term has been since extended from time to time by subsequent Acts, certain stamp duties therein specified, to be denoted "Law Fund," were granted to meet the charge upon the Consolidated Fund, created by the salaries and expenses so made payable thereout by the said hereinbefore recited Acts, for and in respect of the offices of the said courts of law, and also to meet certain other charges for salaries, allowances, and compensations to the Judges and officers of the said courts in lieu of certain fees which were then abolished: And that the income produced by the said law fund stamp duties has never been sufficient to meet the said charges for which it was intended to form a provision, and by making a new arrangement as to the business to be transacted in the said offices a very considerable saving in the expenses, chargeable in respect thereof upon the Consolidated Fund, may be effected:—

It is Enacted,

I. That from and after the 11th of October 1844 the several offices created by the said first recited Act, 1 & 2 Geo. 4. c. 53, and all appointments made under or by virtue of the said Act, or by virtue of the said recited Act, 5 Geo. 4. c. 4, shall be and the same are hereby abolished, save and except the offices of taxing officers and their clerk, and of crier, tipstaff, and serjeant-at-arms in the several courts, which shall remain as heretofore.

II. Provided and enacted, That each and every officer (not included in the new establishments hereinafter mentioned) whose office is hereby abolished, and who has a freehold interest therein, shall be entitled to receive as compensation for and during his life the full amount of the salary and emoluments at present enjoyed by him in respect of said office, such compensation to be charged and chargeable and paid and payable, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same manner as the salaries and compensations are herein directed to be paid; and that all other persons whose offices or employments are hereby abolished, and who shall not be included or employed in the new establishments to be formed, or whose salary or emoluments under such new establishments shall fall short in amount of the value of the salary or emoluments received by them in or under the establishments so abolished, shall be entitled to receive such compensation in respect thereof as the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall ascertain and determine to be just and proper, regard being had to length of service, not exceeding in the whole in any case the salary, emoluments, or official income enjoyed or received by any such person or persons on an average of the three years next preceding the day appointed for the commencement of this Act, and not being less in any case than three-fourths of the income so ascertained, or of the proportion thereof by which the salary, emoluments, or official income of such person or persons shall fall short as aforesaid, the amount of such compensation to be ascertained in such manner and by such means as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and that when such compensation shall have been so ascertained and determined the amount thereof shall be charged and chargeable and paid and payable to the several persons entitled thereto, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same manner as the salaries hereinafter provided are appointed to be paid: Provided also, that until the amount of such compensation shall have been so ascertained all such persons shall be entitled respectively to receive a sum equal to the full

amount of the salary, emoluments, or official income enjoyed by him or them respectively on the average hereinbefore directed, such sum or sums to be charged and chargeable and paid and payable in the same manner as the salaries and compensation herein directed: Provided also, that an account of all compensations granted under the provisions of this Act shall, within fourteen days after the same shall have been granted as aforesaid, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or otherwise within fourteen days after the meeting of Parliament then next following.

vii. That from and after the said 11th of October 1844 there shall be in each of the said superior courts of common law in Ireland to conduct the civil business thereof one principal officer, to be called the Master of such court, and the following other officers (that is to say); one clerk of the rules and one clerk of the writs, appearances, and seal; the said principal and other officers to discharge the several duties prescribed for them respectively in this Act, and in the schedules severally marked (A.), (B.), and (C.) to this Act annexed; and the said officers to have to aid them in the discharge of the said duties the several assistants and clerks in the said schedules respectively set forth, and that the said principal and other officers, and the said assistants and clerks, shall hold their offices or employments during good behaviour, and shall be responsible for the due and efficient performance of the duties prescribed for them by this Act and the schedules hereto annexed, and that the said principal and other officers, and assistants and clerks, shall be entitled to receive the several and respective salaries in that behalf set forth in the said schedules to this Act annexed.

And after reciting, that it is expedient that the new establishment of officers, assistants, and clerks hereby created shall, in the first instance, consist of persons employed in the establishments hereby abolished;—

It is Enacted,

iv. That the persons named in the Schedules (A.), (B.), and (C.) to this Act annexed as officers, assistants, and clerks shall be and the same are hereby appointed and declared to be such officers, assistants, and clerks as therein set forth respectively.

v. Provided and enacted, That Arthur Bushe, Esq., the Prothonotary of the said Court of Queen's Bench, and the Hon. David Plunket, the Prothonotary of the said Court of Common Pleas, in Ireland, who are in and by this Act and the schedules hereto appointed Masters of the said Courts respectively, shall be entitled to receive yearly and every year during their respectively continuing in office as such Master the respective sums of 384*l.* 12*s.* 8*d.* each, over and above and in addition to the salaries provided for such Masters in the said several schedules, to make up the full amount of salary received by them as Prothonotaries respectively, the said sums to be paid and payable respectively in the same manner, and out of the same fund, and at the same time and times, as the salaries and compensations herein directed: Provided also, that if either of them the said Arthur Bushe or David Plunket shall, at any time after the passing of this Act, resign his office, with the sanction and under the authority of the Lord Chief Justice of the court to which he shall belong, in consequence of being unable to discharge the duties thereof from infirmity of mind or body, which resignation shall also be approved by the Commissioners of Her Majesty's Treasury, he shall be entitled to receive yearly during his life, by way of superannuation allowance, the full amount of the salary now enjoyed by him in respect of his said office of Prothonotary, the same to be paid and payable in the same manner, and out of the same fund, and at the same time and times, as the salaries and compensations herein directed.

vi. That it shall not be lawful for any person appointed by this Act, or who at any time after the passing of this Act shall be appointed to any office in any of the several said courts, or as clerk or assistant to any of said officers, to hold or exercise the duties of any other office or place whatsoever, or to derive any emolument or profit, for or in respect of or in connexion with the business of the said offices, either by fee or gratuity, or by the sale of stamps or parchments or paper, or otherwise howsoever, other than the salaries or allowances provided by this Act for such officer, assistant, or clerk respectively, or authorized in and by an Act, 9 Geo. 4. c. 35, intituled, 'An Act to protect Purchasers for valuable Consideration in Ireland against Judgments not revived or re-docketed within a limited Time,' or in and by an Act, 3 & 4 Vict. c. 105, intituled, 'An Act for abolishing Arrest on Mesne Process in Civil Actions in certain Cases; for extending the Remedy of Creditors against Debtors; and for the further Amendment of the Law, and the better Advancement of Justice, in Ireland.'

vii. That when and so often as any vacancy shall occur in any of the offices of Master or other officers in either of the said superior courts of common law, by death, resignation, or otherwise, it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, for the time being, to nominate and appoint some fit and proper person to fill such vacant office; provided that no person shall be eligible to be appointed to fill such vacant office unless he shall be a barrister in actual practice of not less than five years standing at the bar, or an attorney of all or any of the said courts in actual practice of not less than five years standing on the roll, or unless he shall have served as officer, assistant, or clerk in any of the said offices for not less than five years in the whole; and that when and so often as any vacancy shall occur, by death, resignation, or otherwise, of any of the assistants or clerks hereby created, such vacancy shall be filled by the assistant or clerk next in seniority in the department, to whom no sufficient objection, to the satisfaction of the Lord Chief Justice or Lord Chief Baron, shall be made; and that on all future vacancies in the office of junior clerk in each department the Master of the court in which such vacancy shall occur shall appoint some proper person to be such junior clerk: Provided always, that all appointments of officers, assistants, or clerks to be made by virtue of this Act shall be so made without any pecuniary or other consideration directly or indirectly to be paid or received for the same.

viii. That if at any time after the commencement of this Act it shall be found that the establishments hereby authorized to be appointed for the several courts are, in point of number of assistants or clerks, either excessive or insufficient, or that it is expedient either to increase or diminish the salaries of the Masters, officers, assistants, or clerks, the Judges of the court in which such case may occur shall notify the same to the Commissioners of Her Majesty's Treasury by certificate under the hands of any two or more of them, stating the circumstances which may have caused any such changes to be necessary; and thereupon it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, by their warrant, to increase or reduce such establishment or salaries, as the case may require, provided that no salary hereby

appointed to be paid shall be so diminished unless when the office or employment for which it is payable shall be vacant; and if excess or deficiency shall have arisen from the fluctuation of business from one court to another, it shall be lawful for the said Commissioners of the Treasury to remove the requisite number of persons from the offices in which the business shall have decreased to those in which it shall have increased; and every such arrangement or removal or appointment, increase or reduction, to be made by the said Commissioners shall be as good and valid as if the same had been made by, under, or by virtue of this Act, anything herein contained to the contrary notwithstanding.

IX. That from and after the commencement of this Act the officers, assistants, and clerks appointed or to be appointed hereunder shall not in any case be required to receive payment in money for law fund duties, but that it shall be lawful for such officer, assistant, or clerk, and he is hereby required, in every case in which such duty has been heretofore payable by entry, to ask, demand, and receive from the party requiring such proceeding to be taken a docket or requisition, specifying the nature of such proceeding, duly stamped, marked, or impressed, according to law, with the stamp or mark provided or to be provided by the Commissioners of Stamps for expressing or denoting the duty payable in respect of such proceeding; and also that it shall and may be lawful to and for each and every officer, assistant, and clerk in any of the offices of any of the several courts aforesaid to demand and receive of and from any person who shall apply to such officer, assistant, or clerk to obtain any copy whatsoever, which according to law ought to be on a stamp or stamps, the paper requisite for the same, duly impressed with the stamp duty payable thereon; and no such officer, assistant, or clerk shall be bound to commence such business, or to take any step towards the execution thereof, until such stamped paper shall have been deposited with him.

And after reciting that it is just and expedient that, except as hereinafter mentioned, all such writs and other writings as have been hitherto prepared, engrossed, and written in the offices of the general clerks and other assistants to the principal officer in each court at the charge of the Consolidated Fund shall in future be prepared, engrossed, or written by the attorneys requiring them, at the charge of the party or parties for whose benefit, advantage, or purpose they are so required:—

It is Enacted,

X. That from and after the commencement of this Act no writs or other writings shall be prepared, engrossed, or written in any of the offices of the said courts at the charge of the Consolidated Fund, save and except the making up, entry, and enrolment of judgments, and such office copies or extracts as may be required of any pleadings, affidavits, writs, or other documents, matters or things, which, having been previously filed, deposited, inrolled, or recorded in the office, shall be in the custody of the officer of the court; but that when any such writs and other writings shall be brought to the office properly prepared the proper officer shall and he is hereby required, without unnecessary delay, to examine, enter, sign, seal, attest, or record the same, as the case may require.

XI. That for the purpose of preparing inrolments of judgments, and such office copies or extracts as may be required of such pleadings, affidavits, writs, records, or documents, matters or things, as shall be in the custody of the officer, it shall and may be lawful for the Master of each court and he is hereby required to employ writing clerks, who shall be paid, according to the quantity of their writing, at the rate of 1½d. per office sheet of seventy-two words, such payment to be charged in the incidental expenses of the court in the manner hereinafter provided.

XII. That for the purpose of making searches for judgments, or fines or recoveries, it shall and may be lawful for the Master of each court and he is hereby required to employ competent clerks, to be removable at his pleasure, who shall be paid in respect to each distinct search, according to the quantity of their work, at the rate of 1s. for every period of twenty years, or fractional portion thereof, over which each search made by them respectively shall extend: Provided always, that not more than two clerks shall be so paid in respect of each negative search, and not more than one in respect of each common search, such payment to be charged in the incidental expenses in manner hereinafter provided.

And in order to secure the services of competent persons to perform the said business of searching,—

It is Enacted,

XIII. That each of three persons to be employed therein by the Master of each court as aforesaid shall be entitled to receive, for and during the time he shall be so employed, a salary at the rate of 100*l.* per annum over and above the said allowance of 1s. per search, the said salary to be charged in the incidental expenses in the manner hereinafter provided with respect to other salaries: Provided always, that the persons so to be appointed as such searching clerks (unless employed in such business previously to and at the time of the passing of this Act) shall not be entitled to any compensation for the loss of such appointment in the event of any alteration being made, by the authority of Parliament or otherwise, whereby such business of searching shall be transferred from the offices of the said courts to any other office or offices: Provided also, that when any such alteration shall take place the power and authority hereby given to the Masters to retain and employ such searching clerks shall cease, and that then and in such case the Master of each court shall and he is hereby authorized to appoint one clerk for general purposes, in addition to the establishment provided in and by the schedules hereto annexed, each of such clerks to receive a salary of 100*l.* yearly, to be payable in the same manner as the other salaries hereby directed.

XIV. That the Prothonotary of the Court of Queen's Bench, the Prothonotary of the Court of Common Pleas, and the Clerk of the Pleas of the Court of Exchequer, whose offices are abolished by this Act, shall and they are hereby required, on or before the 11th of October 1844, to render to their respective courts an account in writing of all and every sum and sums of money which shall at any time theretofore have been paid into the said respective courts by or on behalf of suitors to abide the event of any suit, or for any purpose whatsoever, and which shall then remain unclaimed and undisposed of in the hands and possession of the said Prothonotaries and Clerk of the Pleas respectively, shewing the precise amount paid into court in each action, the names of the plaintiff and defendant, and of their attorneys, and the time when, and by whom, and the purpose, so far as the same can be ascertained, for which the said amount was so paid in, which account the said officers shall cause to be entered in books to be kept in their offices respectively for that purpose; and the said officers respectively shall and they are hereby required, immediately upon rendering such accounts, to pay into the Bank of Ireland to an account to be opened

by the Master of each of the said courts respectively in the books of the Governor and Company of that Bank, to the credit of the proper cause or matter, all and every such sum and sums of money so appearing to be in their custody as aforesaid, which accounts respectively the Governor and Company of the Bank of Ireland are hereby authorized and required to open in their books accordingly.

xv. That after the said 11th of October 1844 the Master of each of the said courts respectively shall cause all and every sum or sums of money paid into the said courts by or on behalf of the suitors in either of those courts to abide the event of the suit, or for any other purpose whatsoever, and all payments thereout, to be entered in proper books to be kept for that purpose, and shall, as soon as conveniently may be, pay all and every such sum or sums of money into the Bank of Ireland to the credit of the proper cause or matter; and when and so often as it shall and may be necessary to pay out or disburse any of the monies so lodged in Bank, the Court shall by its order direct such payment or disbursement, and the Master of each of the said courts respectively shall and he is hereby authorized and required to draw on the said Governor and Company of the Bank of Ireland for any sum or sums of money so ordered to be paid out or disbursed; and the said Governor and Company of the Bank of Ireland are hereby authorized and required to pay all such sums of money as may so be drawn for, in pursuance of such order, by the Masters of the said courts respectively.

And after reciting that the receipt of fees in the seal office (at the law side) of the Court of Exchequer would interfere with the arrangements hereby made for the regulation of the business in the offices at that side of the said court, and it is expedient that such fees should be abolished;—

It is Enacted,

xvi. That from and after the commencement of this Act the said fees shall be and the same are hereby abolished, and that no fees whatsoever shall be paid or payable for or in respect of the sealing of any writs, records, or other documents issuing out of the law side of the said court, and that the same shall be sealed by the person whose duty it shall be under this Act without any charge whatsoever to the suitor.

xvii. That it shall be lawful for the Chief Baron and other Barons of the said Court of Exchequer, and they are hereby required, at any time before the commencement of this Act, to provide separate seals for the law and equity sides of the said court, and that the custody and affixing thereof shall be committed to the secondary of the equity side, so far as regards the equity side of the said court, who shall receive to his own use the fees now payable in respect thereof, and, as regards the law side thereof, to the clerk of the writs, appearances, and seal on the law side of the said court, the expense of providing such seals to be charged amongst the incidental expenses hereinafter provided for.

xviii. That the several schedules to this Act annexed, and all directions, matters, and things in the said schedules respectively contained, shall be deemed and taken to be part of this Act.

xix. That the said several salaries in the said schedules respectively set forth as aforesaid shall be payable from time to time out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and that the said salaries respectively shall be payable quarterly on the 5th of January, 5th of April, 5th of July, and 10th of October in every year; and that for provision for the necessary incidental expenses in each court the said Commissioners of the Treasury shall pay or cause to be paid, at such time or times and in such manner as they shall think proper, to the Master of each court, such sum as shall in each and every quarter be certified in writing under the hands of one or more of the Judges of the Court respectively to which such Master shall belong to have been necessarily incurred as and for the costs of the clerks employed in writing and searching in the offices of the said courts respectively as aforesaid, and as and for the expenses of coals, candles, and all other expenses of the said several offices in the said courts, and in the several chambers of the said courts respectively, including therein the remuneration of the courtkeeper, housekeeper, and office messenger as heretofore; and every such certificate shall be given on an examination on oath of the principal officer of each department in or for which any such payment shall be required, and of such other person or persons, if any, as such Judge or Judges respectively shall think proper, or as shall be produced before them for that purpose.

xx. That whenever any officer, deputy, assistant, or clerk in any of the said several courts, except the Master in each such court respectively, shall apply for payment of the salary due to him, or any part thereof, he shall produce a certificate from the Master of the court for the time being, stating that he is the person then holding such office or employment respectively, and that he is entitled to receive the salary annexed by law thereto, and then due to him as such officer, deputy, assistant, or clerk.

xxi. That the Master in each of the said several courts shall at all times respectively superintend the conduct and proceedings of the several other officers, assistants, and clerks of his respective court, and shall inspect their respective offices, and all records, books, papers, and documents therein respectively, and shall make such orders for the regulation of the said offices, and the performance of the business thereof, and the hours of attendance of the officers, assistants, and clerks, as they shall think proper, so as to insure uniformity and equality of business in each of the departments of the said three Masters.

xxii. That it shall and may be lawful to and for the said Courts of Queen's Bench, Common Pleas, and Exchequer respectively, on complaint duly made, or on any offence or misconduct of which they may otherwise acquire judicial knowledge, and after full inquiry into the alleged grounds thereof, by affidavit or otherwise, as they shall think fit, respectively to remove any officer, assistant, or clerk of the said courts respectively, as well the Master as others, from his office, for any offence or misconduct in such office which such Court shall deem deserving of such punishment, and thereupon such officer, assistant, or clerk shall cease to hold or be entitled to such office; and it shall be lawful for the said Courts, on complaint and inquiry as aforesaid, to inflict upon any officer, assistant, or clerk for any minor offence such punishment by way of fine as to such Court shall seem expedient.

XXIII. Provided and enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any action or indictment, or any remedy or proceeding whatsoever, which at any time heretofore may or might have been brought, found, had, or taken against any officer, deputy, or clerk in or under any of the said courts hereinbefore mentioned for or in respect of any misconduct in office which may have occurred or taken place, or which may take place at any time before the commencement of this Act, but that all such actions, indictments, remedies, and proceedings for any such misconduct may be brought, found, had, or taken as if this Act had never been made.

XXIV. That from and after the commencement of this Act every officer or assistant of any of the said several courts whose duty it is to sign or attest any writ, pleading, or document shall respectively execute the duty of his office in person, except only in case of sickness or occasional absence, or under the sanction hereinafter provided; (that is to say,) that it shall and may be lawful for the Chief Justice or Chief Baron of the court to which such officer or assistant shall belong or in his absence the next senior Judge or Baron of the said court then in Dublin, on the application of the Master, to grant to any such officer or assistant leave of absence for any period which the said Judge or Baron shall consider reasonable; and that in any such case it shall and may be lawful to and for such officer or assistant, by deputation in writing under his hand and seal, by and with the consent in writing of the Chief Justice or Chief Baron of the court to which such officer or assistant shall belong, or in the absence of such Chief Justice or Chief Baron then of the next senior Judge of the said court then in Dublin, to appoint a deputy to execute the duties of such officer or assistant during such period as shall be specified in such deputation; and the name of such deputy, and the approbation of such Chief Justice, Chief Baron, or Judge, and the time for which such appointment is to continue, shall be specified and set forth in such deputation, and such deputation shall be signed or indorsed by such Chief Justice, Chief Baron, or Judge; and the period mentioned in such deputation may, on the application of the Master, be afterwards prolonged, if necessary, by such officer or assistant, with the approbation of such Chief Justice, Chief Baron, or Judge, by indorsement of the said officer or assistant, and of the said Chief Justice, Chief Baron, or Judge, upon such deputation: Provided always, that such deputation shall not be liable to or chargeable with any stamp duty whatsoever.

And after reciting that inconvenience may arise from the temporary absence of any of the officers or assistants whose duty it is, under the direction in the schedule to this Act annexed, to sign any writ, pleading, or instrument, unless provision be made for such contingency:—

It is Enacted,

XXV. That at all times the signature of the Master shall be good and valid in lieu of the signature of any of the officers or assistants, and that in the temporary absence of the Master the acts and signature of his principal assistant shall be good and valid to any pleading, proceeding, or instrument requiring the signature or superintendence of said Master.

And after reciting that it may so happen that occasionally or at certain periods of the year the assistants or clerks in some of the said offices may not have sufficient occupation in the business strictly belonging to their offices respectively, whilst at the same time there may be an undue or unusual pressure of business upon the assistants and clerks in some other of the said offices, or some business of an occasional nature which the Master may be required or find necessary to have performed in the discharge of his duty as principal officer, and it is expedient to provide against the necessity of employing extra or additional clerks in such cases:—

It is Enacted,

XXVI. That it shall and may be lawful for the Master of each court respectively and he is hereby required, in the exercise of his superintendence in every such case as is hereby contemplated, to order, direct, and cause any of the said assistants and clerks attached to the court of which he is Master, who may not have sufficient occupation at any time or times as hereinbefore mentioned in the business of their own offices, to perform such portions as he may think proper of the business of any other of the said offices of the said court in which there may be such pressure as aforesaid, or of any occasional or extra business which he the said Master may be required or find necessary to have performed in the discharge of his duty as Master; and it is hereby declared to be the intent and meaning hereof that the said Masters respectively shall in every such case have full discretionary power as to the distribution of the business to be performed in the said offices, notwithstanding the specific division of duties for general purposes set forth in the schedules to this Act annexed.

XXVII. That in case it shall happen that any officer or assistant having power under this Act to appoint a deputy of the said several courts, by reason of accident or infirmity, shall be unable to appoint a deputy, or whenever any office in any of the said courts shall become vacant, then and in every such case it shall and may be lawful to and for the Chief Justice or Chief Baron of the said courts respectively, or in his absence the next senior Judge of the said court, if applied to for that purpose, to appoint a fit and proper person to perform the duty of such officer or assistant until there shall be an officer or assistant capable of discharging his own duty; and that every such person so appointed shall be to all intents and purposes a complete officer or assistant, according to the terms of such appointment, save that such person so appointed as aforesaid shall not be entitled to any greater proportion of the salary of such office than shall be specified in such order.

XXVIII. That it shall and may be lawful to and for the officers and assistants hereinafter named of and in the several courts aforesaid, and the said officers and assistants are hereby fully authorized, empowered, and directed, whenever they shall be thereunto required, (except on Sundays, Good Friday, and Christmas day,) to take affidavits or affirmations in all matters relating to the business of the said courts respectively, and to administer the necessary oaths or affirmations for that purpose: (that is to say,) the Master, the principal assistant, the clerk of the rules, his assistant, the clerk of writs, appearances, and seal, the pleadings assistant and the record assistant, and also in and for each of the said courts the Marshal of the Marshals of the Four Courts at Dublin as to persons in his custody; and all such oaths, affidavits, and affirmations shall be of the same force, validity, and effect, and shall and may be filed and used and acted upon respectively, as fully and effectually to all intents and purposes whatsoever, as if the same had been sworn or affirmed before the said courts, or all or any of the Judges thereof respectively; and any person who shall wilfully or corruptly swear or affirm anything false in any such affidavit or

affirms shall be subject to all pains, penalties, punishments, and disabilities for wilful and corrupt perjury in like manner in all respects as if such affidavits had been made in any of the said several courts, or before all or any of the Judges thereof respectively.

XXIX. That to provide for cases in which it may be necessary to administer affidavits or affirmations to persons confined by illness, or detained in prison in the City of Dublin, or within ten miles thereof, it shall be the duty of the officers and assistants hereby authorized to take affidavits or affirmations, under such regulations as to rotation as the Master of their court shall make, to proceed, when required, within reasonable hours on business days, to the place in which the person to be sworn or affirmed shall be so confined, and there to administer such affidavit or affirmation: Provided always, that no officer or assistant shall be required to administer any affidavit or affirmation at any other place or time than at his office, and during office hours, except in the cases of illness or custody hereby contemplated, and then only upon the production of a proper certificate of such custody, or in the case of illness the certificate of a duly qualified medical man, stating the inability of the person requiring to be sworn or affirmed to attend at the office without danger to the life or health of such person, and that the illness of such person is not of an infectious or contagious nature: Provided also, that any expense of carriage hire to be incurred by such officer or assistant in attending as aforesaid shall be previously defrayed by the persons requiring such attendance.

XXX. That in each and every of the said several courts, on the first day of each and every term, the Judge who shall open the court on that day shall immediately after the opening the same satisfy himself, so far as he can by personal inspection, that the records of each and every of the said courts respectively are duly and regularly kept and preserved, so as to be safe, dry, sound, and legible, and in such order and arrangement, and with such means of reference to the same, that all persons having occasion to inspect the same respectively shall and may have easy access thereto, and the said Judge shall report to the other Judges of the Court the result of such examination; and if there shall be any default or error therein, the same shall be (as soon as may be) examined into by the Court, and shall be rectified as soon as possible.

XXXI. That every person hereby appointed, or who shall at any time after the passing of this Act be appointed, to be an officer, assistant, or clerk of or in any of the offices in the said several courts in this Act, and the Schedules thereto annexed, mentioned and specified, shall be and is hereby declared to be incapable of practising as a barrister, or as an attorney or solicitor, or as agent or clerk of any attorney or solicitor, in any court of law or equity in Ireland, either separately or in partnership with any other, or in the name of any other person or persons, during such time as such person shall hold the situation, office, or employment of an officer, assistant, or clerk in any of the said offices; and if any officer, assistant, or clerk shall so practise as such barrister, attorney, solicitor, agent, or clerk, while he shall hold the situation, office, or employment to which he shall have been appointed, contrary to the true intent and meaning of this Act, the Chief Justice or Chief Baron of the Court in which such person shall be employed shall, on sufficient proof of the same, dismiss the person so offending from his office or employment; and the person so dismissed shall be rendered incapable of ever after holding any office or employment in any of the said courts.

And after reciting that for the convenience of suitors and their attorneys an officer in each of the said courts has been hitherto privileged and permitted to act as retailer of stamps and law forms, and to vend the same in his office: And that by this Act all officers, assistants, and clerks in the said offices are prohibited from so acting as retailer of stamps and law forms, but it is nevertheless expedient that the convenience attending such practice should still be afforded to the public;—

It is Enacted,

XXXII. That the Master of each court shall be and he is hereby authorized to nominate and appoint such person as he shall think fit to act as such retailer of stamps and forms in and for his respective offices, from whom the suitors and their attorneys shall have the option of procuring such stamps and forms as they may require for their convenience, and the expeditious despatch of their business; and the Commissioners of Stamps shall and may grant to the person so nominated a licence to retail stamps upon obtaining the sureties required by them in such cases, and with the privileges, and subject to the conditions and regulations, now or hereafter to be made applicable to retailers of stamps in general.

XXXIII. Provided and enacted, That no Master, officer, assistant, or clerk in any of the said courts shall in any way directly or indirectly receive or participate in the profits or emoluments arising from the said business of retailer of stamps and forms, and that any violation of the spirit and meaning of this proviso shall be deemed and taken to be misconduct within the meaning of the section of this Act which authorizes the Courts respectively to fine or remove any officer, assistant, or clerk for misconduct.

And after reciting that by an Act, 4 & 5 Will. 4. c. 24, intituled, 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect to their having held Civil Offices in His Majesty's Service,' provision is made to secure superannuation allowances to the offices and departments set forth in the Schedules to said Act annexed, and power is given to the Commissioners of the Treasury to add to the list of offices and departments enumerated in the said Schedule any other office or department which then existed or might be created or be established, and to place the same, and the officers and persons to be employed, under the provisions of the said Act, but such addition not to extend to officers in any of His Majesty's courts at Westminster or Dublin: And that by an Act, 7 Will. 4. & 1 Vict. c. 30, intituled, 'An Act to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in these Courts,' the provisions of the said recited Act, 4 & 5 Will. 4. c. 24, so far as a right to superannuation allowance is involved, are in the manner therein mentioned extended to all officers, clerks, and messengers of the superior courts at Westminster: And that it is expedient that the benefits of the said Act should in like manner be extended to all officers, assistants, and clerks of the superior courts of common law at Dublin to be appointed by or under this Act:—

It is Enacted,

XXXIV. That from and after the passing of this Act every officer, assistant, or clerk appointed, retained, or employed by or under the authority and provisions of the same, or who shall be hereafter so appointed, retained, or employed, and who shall

resign his office or situation therein, with the sanction and under the authority of the Lord Chief Justice or Lord Chief Baron of the court to which he shall belong, in consequence of his being incapable from infirmity of mind or body to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in either of the said courts, or any other public office or situation, prior to the passing of this Act, and shall proceed according to the principles laid down by the said recited Act, 4 & 5 Will. 4. c. 24, and that all such sums and allowances which shall be so awarded and granted under the authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is hereinbefore provided in respect of the salaries of the Masters, assistants, and clerks of the said courts respectively.

And after reciting that the Commissioners of the Treasury did, by a minute dated the 4th of August 1829, record their intention to adopt certain regulations with a view to reduce prospectively the charge incurred in providing for superannuation allowances, of which notice was given in the several public departments then enjoying the benefit of superannuation allowance: And that it is expedient that, in pursuance of said minute, an annual abatement should be made from the salaries of the several offices or employments created by or under the authority of this Act, but inasmuch as the said notice cannot be deemed applicable to the courts of common law at Dublin such abatement should not affect persons who have held office or employment therein previously to the passing of this Act:—

It is Enacted,

XXXV. That from and after the commencement of this Act there shall be an annual abatement made, in quarterly proportions, by the Paymaster of the Civil Services in Ireland, from the salaries of the several officers, assistants, and clerks to be hereafter appointed under the authority of this Act, at any time after the commencement thereof, to any of the offices or employments set forth in the Schedules hereunto annexed, in such manner and under such directions as shall from time to time be given in this respect by the Commissioners of the Treasury, the amount of which abatement shall be according to the respective rates, following; (that is to say),

From salaries not exceeding the annual sum of 100*l.*, an abatement at the rate of 2*l.* 10*s.* per centum;
And from salaries exceeding 100*l.*, 5*l.* per centum.

XXXVI. That whenever it shall happen that the two persons now holding the office of taxing officer to the said law courts shall vacate the same, by death, resignation, or removal, there shall thenceforth be for the said three courts but one taxing officer, who shall be and be called taxing officer in common law business, who shall hold his office during good behaviour, and shall have the same power and authority, and be subject to the same regulations, as are given and contained with reference to taxing officers in and by the said hereinbefore recited Act, 1 & 2 Geo. 4. c. 53; and that all and every the provisions contained in the said Act with reference to the taxing officers created thereby, so far as the same shall be consistent with the alterations hereby effected, shall be and be deemed applicable to the taxing officer to be appointed under this Act, and to the taxation of costs by him, and all matters and proceedings belonging to or connected with the business thereof; and that such taxing officer shall have the assistance in his said business of one examiner and one clerk, to be appointed by him during his pleasure; the said taxing officer, examiner, and clerk to receive respectively (out of the same fund and at the same periods as the other salaries hereby directed to be paid) the salaries set forth in the Schedule (D.) to this Act annexed; and that whenever it shall happen that a vacancy shall occur in the said office of taxing officer by the death, resignation, or removal of one only of the two persons now holding such office, the person to be appointed taxing officer in his stead, under the provisions of the said hereinbefore recited Act, shall, notwithstanding anything in said Act contained, be entitled to receive only the salary specified for the taxing officer in the said Schedule marked (D.) to this Act annexed; and whenever the other of the two persons now holding the office of taxing officer shall die, resign, or be removed, the person who shall have been so appointed as joint taxing officer in the room of the person so first dying, resigning, or being removed shall be the sole taxing officer as hereinbefore directed, with the assistance of an examiner and clerk, as specified in the said Schedule marked (D.) to this Act annexed.

XXXVII. That whenever a vacancy shall occur as aforesaid and from time to time hereafter in the office of taxing officer, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint a proper person to be such taxing officer, who shall be a barrister in actual practice of not less than five years standing at the bar, or an attorney of any of the said courts of not less than five years standing on the rolls, or who shall have served as officer or assistant in any one or more of the offices of the said courts for not less than five years in the whole.

XXXVIII. That it shall and may be lawful for the said Judges of the said superior courts of common law, or any three of them, and they are hereby required, at any time within the term next following the commencement of this Act, to appoint a convenient and suitable place within the public buildings called the Four Courts at Dublin, or within the buildings or offices contiguous thereto, and attached to or connected therewith, wherein the said taxing officers or officer shall have their or his office; and that the said taxing officers or officer shall discharge the duties of their or his office in the place so to be appointed, and in no other place; and any expense attendant on such arrangement shall be charged amongst the incidental expenses hereinbefore provided for.

XXXIX. That it shall and may be lawful for the said Judges of the said superior courts of common law, or any three of them, and they are hereby required, within the term next following the commencement of this Act, to cause to be prepared a table or tables setting forth what fees and allowances and charges it may in future be reasonable and proper for the taxing officers or officer to allow in their or his taxation of costs in common law business, and also from time to time to vary such table or tables, and to make such rules as may appear to them proper to regulate the principles upon which such taxation shall in future be conducted, and that all such fees, allowances, and charges shall be payable in British currency.

And after reciting that the office of pursuivant of the said Court of Exchequer has been held by Boyle Keller Esquire under letters patent, for upwards of twenty-one years past, and the amount of fees and emoluments, as well as the business of the said office, have of late years been greatly diminished, and it is expedient to abolish the said office:—

It is Enacted,

XL. That from and after the day appointed for the commencement of this Act the said office of pursuivant of the said Court of Exchequer shall be and the same is hereby abolished: and the said Boyle Keller shall be entitled to receive yearly during his life the sum of 106*l*., being the amount of salary and compensation now enjoyed by him as such pursuivant; and the said sum to be paid and payable in the same manner, and at the same time and times, and out of the same fund, as the salaries and compensations authorized by this Act are directed to be paid: Provided always, that all such writs of attachment and other process which have heretofore been usually issued and directed to the said pursuivant shall and may be issued and directed to the serjeant-at-arms of the said Court of Exchequer.

XLII. That this Act and every clause and matter therein shall commence and have effect from and after the 11th of October in this present year 1844, save and except in cases where any clause, matter, or thing is expressly directed to take effect from the passing of this Act, or from any time particularly specified therein.

XLII. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

SCHEDULES referred to and made part of the foregoing Act.

SCHEDULE (A.)

DESCRIBING the several OFFICERS in the CIVIL SIDE of the COURT of QUEEN'S BENCH in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.

Yearly Salaries.
£. s. d.

MASTER [ARTHUR BUSHE, Esq.]—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfaction, Revivals, and Re-docketings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking, Satisfaction, and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records, in the Civil Side of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers to do. 1,000 0 0

PRINCIPAL ASSISTANT [MR. JAMES ALEXANDER HAMILTON].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally 600 0 0

CLERK [] to aid him 100 0 0

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT [MR. THOMAS BYRON].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith 400 0 0

FIRST CLERK to aid him 100 0 0

SECOND CLERK, ditto 80 0 0

RECORD DEPARTMENT.

RECORD ASSISTANT [MR. RICHARD HANLEY].—To have the Care and Custody of the Judgment Rolls of the said Court, and of the Books of Record containing Entries of Judgments, Satisfaction, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfaction and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of reference, and to produce the same for public Information, within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office 400 0 0

FIRST CLERK [] to make Entries in Books relating to Judgments 200 0 0

SECOND CLERK [] to aid as Occasion may require 100 0 0

RULES DEPARTMENT.

CLERK OF THE RULES [MR. CHRISTOPHER NELSON DUFF].—To perform the present Duties of the Office 600 0 0

ASSISTANT [MR. WILLIAM CHRISTOPHER KNOX] 350 0 0

CLERK [MR. RICHARD MARLOW] 100 0 0

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

Yearly Salaries.

£. s. d.

CLERK OF WRITS, APPEARANCES, AND SEAL [Mr. ROBERT COOPER].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters; and to do all such Acts as properly belong to the said Offices			600	0	0
ASSISTANT			200	0	0
CLERK			100	0	0
One CLERK for general Purposes as may be directed by the Master			80	0	0

The Appointments in this Schedule to which no persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (B.)

DESCRIBING the several OFFICERS of the COURT OF COMMON PLEAS in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.

THE MASTER [The Honourable DAVID PLUNKETT].—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Re-docketings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking, Satisfaction, and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers to do			1,000	0	0
PRINCIPAL ASSISTANT [Mr. JOHN CAREY].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally			600	0	0
CLERK [	] to aid him		100	0	0

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT [Mr. MICHAEL CAREY].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith			300	0	0
CLERK to aid him			100	0	0

RECORD DEPARTMENT.

RECORD ASSISTANT [Mr. ALEXANDER REID].—To have the Care and Custody of the Records and Judgment Rolls of the said Court, and of the Books of Record, containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office			400	0	0
FIRST CLERK [	] to make Entries in Books relating to Judgment		200	0	0
SECOND CLERK to aid as Occasion may require			100	0	0

RULES DEPARTMENT.

CLERK OF THE RULES [Mr. JOSEPH REID].—To perform the present Duties of the Office, and also the Duties hitherto performed by the Clerk of the Recoveries in respect to Recoveries or the Acknowledgment of Deeds by married Women; and to take Recognizances, and administer the Oaths to all Persons requiring to be sworn in open Court			600	0	0
ASSISTANT [Mr. WILLIAM M. MEE]			300	0	0

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

Yearly Salaries.
£. s. d.

CLERK OF WRITS, APPEARANCES, and SEAL [MR. JOHN CLANCY].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters, and to do all such Acts as properly belong to the said Offices	600	0	0
ASSISTANT [MR. JAMES LYNAM]	200	0	0

The Appointments in the Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (C.)

DESCRIBING the several OFFICERS in the PLEAS or COMMON LAW SIDE of the COURT of EXCHEQUER in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.

THE MASTER [ROBERT HITCHCOCK, Esquire].—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Re-docketings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking, Satisfaction, and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Inrolments of the Records of the Pleas or Common Law Side of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers of the said Court to do	1,000	0	0
PRINCIPAL ASSISTANT [MR. WILLIAM SISSON COOPER].—To examine and sign Records, Inrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally	600	0	0
CLERK [] to aid him	100	0	0

PLEADING DEPARTMENT.

PLEADINGS ASSISTANT [MR. GEORGE MEARES].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith	400	0	0
FIRST CLERK to aid him	100	0	0
SECOND CLERK ditto	80	0	0

RECORD DEPARTMENT.

RECORD ASSISTANT [MR. BLACKER CASTLES].—To have the Care and Custody of the Judgment Rolls of the said Court, and of the Books of Record, containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office	400	0	0
FIRST CLERK [MR. RICHARD PATTEN].—To make Entries in Books relating to Judgments	200	0	0
SECOND CLERK [] To aid as Occasion may require	100	0	0

RULES DEPARTMENT.

CLERK OF THE RULES [MR. HENRY YEO, junior].—Performing the present Duties of the Office	600	0	0
ASSISTANT [MR. EDWARD F. COOPER]	350	0	0
CLERK []	100	0	0

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

CLERK OF WRITS, APPEARANCES, AND SEAL [MR. ARTHUR GREENE].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances

Yearly Salaries.
£. s. d.

in a Book to be kept for that purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters, and to do all such Acts as properly belong to said Offices	600	0	0
ASSISTANT [Mr. WILLIAM YEO]	200	0	0
CLERK []	80	0	0
One CLERK for general Purposes, as may be directed by the Master	80	0	0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (D.)

TAXING OFFICE.

	£.	s.	d.
TAXING OFFICER	800	0	0
EXAMINER	300	0	0
CLERK	100	0	0

CAP. CVIII.—IRELAND.

AN ACT to amend an Act of the Sixth Year of Her present Majesty, intituled, *An Act to regulate the Irish Fisheries*; and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish Fisheries*.

(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Constabulary force empowered to carry into effect certain regulations of the *Fishery Act* and of this Act.
2. Regulations for the observance of the annual and weekly close seasons.—Regulations against fishing with lights, &c. at night.
3. Inspector of fisheries empowered to receive evidence to enable Commissioners to alter the close seasons in any river or district.
4. Commissioners empowered to alter close season on shorter notice than by last-recited Act directed.
5. Power to Commissioners to suspend, for a fixed period, the oyster fishery in any particular locality.
6. Such decision to be published.
7. Use of seine net lawful for herrings.
8. When the Commissioners have defined the mouth of any river, a copy of such definition to be deposited with the clerk of the peace;—and a certified copy thereof to be evidence.
9. Act may be amended this session.

By this Act,

After reciting that, by 6 & 7 Will. 4. c. 13. s. 15. it was, among other things, provided, that no chief or other constable or sub-constable appointed under that Act should be employed to enforce any Acts relating to the laws for the preservation of fish, except only in cases when forcible resistance shall have been actually made, and proved by information taken on oath: And that, by an Act, 5 & 6 Vict. c. 106, among other things, certain regulations for the general preservation of the Irish Fisheries during certain periods of the year, and the protection of the public interests therein, were made; and it is expedient that the constabulary force shall be empowered to enforce such regulations:—

It is Enacted,

1. That the officers and men of the constabulary force in Ireland shall, anything in the said first recited Act to the contrary notwithstanding, have, for the purpose only of enforcing the regulations of the said recited Act, 5 & 6 Vict. c. 106. hereinafter set forth, and of this Act, all such powers, privileges, and authorities as are by such Act conferred upon water bailiffs duly appointed thereunder, but subject nevertheless to such orders and restrictions, in respect of their being employed to enforce such regulations, as shall from time to time be made by the Inspector General of the said constabulary force, with the approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland.

11. That the regulations in enforcing which it shall be lawful to employ the officers and men of the said constabulary force shall be the regulations hereinafter mentioned; (that is to say,) all and singular the regulations made by the said-recited Act

5 & 6 Vict. c. 106, and by this Act, or under any authority derived therefrom, for the observance and enforcement of the several periods fixed by or under authority of such Acts as the annual close seasons for the salmon fishery, the trout fishery, the eels fishery, and oyster fishery respectively, and for the free passage of fish during such several annual close seasons, and requiring for that purpose the making and maintaining of openings, and the removal of obstructions, and directing certain acts, matters, and things to be done, and prohibiting other acts, matters, and things to be done, during and in relation to such annual close seasons respectively; and also all and singular the regulations made by the said recited Act, or any authority derived therefrom, for the observance and enforcement of the several weekly close seasons fixed by such Act, in reference to inland lakes and rivers, and in reference to the sea or any estuary or tideway respectively, and for the free passage of fish during such weekly close seasons, and requiring for that purpose the making and maintaining of openings, and the removal of obstructions, and directing certain acts, matters, and things to be done, and prohibiting other acts, matters, and things to be done, during and in relation to such weekly close seasons respectively; and also all and singular the regulations of the said last-recited Act, prohibiting any person wilfully taking, selling, purchasing, or having in his possession the spawn, smelts, or fry of salmon, or of trout, or of eels, or in any way or by any device wilfully obstructing the passage of the said smelts or fry, or injuring or disturbing any such spawn or fry, or any spawning bed, bank, or shallow where the same may be; and also all and singular the regulations of the said Act prohibiting any person wilfully taking, killing, destroying, exposing to sale, or having in his possession, any red, black, foul, unclean, or unseasonable salmon or trout; and also all and singular the regulations of the said Act prohibiting any person, in any season of the year, in any mill pool or mill dam, or in any works appurtenant to any mill or factory, or in any of the watercourses leading the water to or from such mill or factory, placing, laying, setting, or drawing any net, grate, creel, or other engine, or using any means or device whatsoever (save and except rod and line used subject to the provisions of the said Act), for the purpose of taking, destroying, or obstructing any salmon or other fish, or the fry thereof; and also all and singular the regulations of the said Act prohibiting the proprietor or tenant of any eel weir taking or suffering to be taken therein any salmon or trout, or salmon or trout fry, or spent salmon; and also all and singular the regulations of the said last-recited Act prohibiting, between sun-set and sun-rise, the having or using any light or fire, spear, gaff, strokeall, or other such instrument, with intent to take salmon or other fish in or on the banks of any lake or river, or chasing, injuring, or disturbing spawning fish or fish on spawning beds, or attempting to catch fish in such places (except with rod and flies only within the lawful period), or damming or teeming or emptying any river or mill-race for the purpose of taking or destroying any salmon or trout, or the fry thereof.

And after reciting that by the said last-recited Act it is provided, that the Commissioners for the execution of the said Act may, if they shall so think fit, decide that the period by the said Act appointed for the close time for the fisheries in particular localities shall cease, and that such other period as shall be fixed upon by the said Commissioners as the close time for any of such fisheries respectively shall be kept and observed in lieu thereof, or to alter the period within which it shall not be lawful to hang any coghill or other nets in the gaps, eyes, or sluices of eel or other weirs, or make use of fixed engines for taking eels: And that it is expedient for such purpose to extend to the inspectors of fisheries appointed by the said Commissioners the power to hear and receive evidence, and to examine and inquire into the subject of such fisheries:—

It is Enacted,

III. That it shall and may be lawful for any inspector of fisheries by the said Commissioners duly appointed, at the direction and by the order of the said Commissioners, to attend at any meeting by the said Commissioners convened respecting the fisheries in any particular locality; and that the said inspector of fisheries shall hear and receive all such pertinent evidence as shall be offered to him upon the subject of the said fisheries, and shall examine and inquire into the same upon oath (which oath the said inspector is hereby authorized and empowered to administer), or otherwise, and by all such means as may be deemed expedient by him, or as shall be by the said Commissioners in that behalf directed; and that the said inspector shall, within one month after the said meeting shall have taken place, faithfully report to the said Commissioners all the evidence he shall have so received, and the result of such examination and inquiry; and that it shall and may be lawful for the said Commissioners to act upon such evidence, examination, and inquiry, as if the same had been heard, taken, received, and made by the said Commissioners themselves.

And after reciting that it is expedient that the said Commissioners should be authorized to alter close seasons on shorter notice than in and by the said Act directed:—

It is Enacted,

IV. That it shall and may be lawful for the said Commissioners to alter the close time for the fishery in any particular locality, and that such other period as shall be fixed upon by the said Commissioners as the close time for any fishery in any locality shall be kept and observed in such locality in lieu thereof, and to alter the period within which it shall not be lawful to hang any coghill or other nets in the gaps, eyes, or sluices of eel or other weirs, or make use of fixed engines for taking eels, upon calling a meeting of the persons possessed of or interested in any such fishery, giving notice of the day and place appointed for such meeting, not less than fourteen days from the date of such notice, by printed handbills and advertisement twice at least in some newspaper published and circulating in the county or several counties within which or on the coast whereof such fishery is in whole or in part situated, anything in the said Act, 5 & 6 Vict. c. 106, requiring a longer or other notice to the contrary notwithstanding.

And after reciting that it is by the said last-recited Act further enacted, that it shall not be lawful for any person between the 1st of May and the 1st of September in any year to dredge for, take, catch, or destroy any oyster or oyster brood, save and except when the season for taking the same shall be changed by the said Commissioners, according to the provisions of the said last-recited thereafter mentioned Act; and it is expedient, for the preservation, protection, and improvement of the oyster fisheries of Ireland, that in certain localities the power to dredge, fish for, or take oysters should be suspended and prohibited for certain periods:—

It is Enacted,

v. That it shall and may be lawful for the said Commissioners, if they shall so think fit, upon the application of any person interested in any oyster fishery in any particular locality, to call a meeting of the persons possessed of or interested in such oyster fishery, after giving notice of such meeting in the manner by the said last-recited Act directed with respect to changing the periods within which it shall not be lawful to fish in fisheries in particular localities, and issuing such summonses as is by the said last-recited Act in that behalf directed, and by themselves or their inspector hearing and receiving all such pertinent evidence as shall be offered to them or him on the subject of the said fishery, and examining and inquiring into the same upon oath, or otherwise to decide upon, fix, and appoint a period, not exceeding the term of three years, within which it shall not be lawful to dredge for, take, catch, or destroy any oyster or oyster brood in such locality.

vi. That such decision shall take effect and shall be published at the time and in the manner by the said Act directed as to the decision of the said Commissioners respecting the close time of any district, lake, or river.

And after reciting that it is enacted by the said Act, 5 & 6 Vict. c. 106, that no person shall, at any time between sunrise and sunset, set, either in the sea or within the tideway in any estuary, any sea net for the catching of herrings, or any trammel net, or leave any drag or other net in the water, between sunrise and sunset, except stake or fixed nets for the catching of salmon as hereinafter provided, and save also seines or drift nets for pilchards or fish other than herrings: And that it has been found expedient to permit, under certain restrictions, the use of seine nets for the taking of herrings:—

It is Enacted,

vii. That notwithstanding anything in the said recited Act to the contrary, it shall and may be lawful to and for all persons to use seine nets for the catching of herrings, save and except in such places and at such times as shall or may hereafter be forbidden by any bye law, rule, or regulation to be hereafter made by the said Commissioners.

And after reciting that by the said Act, 5 & 6 Viet. c. 106, the Commissioners for the execution thereof are authorized and empowered to define the mouths of rivers under the circumstances and for the purposes therein mentioned; and it is expedient to provide for the due publication of all definitions to be so made by the said Commissioners, and proof thereof in all courts of law or justice:—

It is Enacted,

viii. That when and so soon as the said Commissioners shall and may from time to time define the mouth or entrance of any river, under the provisions of the said Act, a copy of the definition to be so made shall be so deposited with the clerk or clerks of the peace for the county or counties in which the mouth or entrance of such river as so defined shall be situated; and in all cases when it shall hereafter become necessary to prove such definition in any court of law or justice or elsewhere, a copy, obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of such definition.

ix. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. CIX.

AN ACT to indemnify Persons connected with Art Unions, and others, against certain Penalties.

(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Art unions, and the members thereof, and other persons, discharged from all suits, &c. to which they might be liable touching the purchase or distribution of works of art by chance previous to the periods herein mentioned.*
2. *Act may be amended this session.*

By this Act,

After seeing that certain voluntary associations have been formed in various parts of the United Kingdom, under the name of Art Unions, for the purchase of pictures and other works of art, to be afterwards allotted and distributed, by chance, lot, or otherwise, among the several members, subscribers, or contributors constituting or forming part of such associations, or for raising sums of money by subscription, to be distributed by lot as prizes amongst the members, subscribers, or contributors forming part of such associations, on the condition, nevertheless, that such prizes be expended solely and entirely in the purchase of pictures or other works of art: And that other persons, either conjointly or separately, have also obtained funds from subscribers, on condition of such persons distributing by lot or otherwise certain pictures, engravings, or other works of art among the subscribers last aforesaid: And that such distributions of works of art, and the proceedings taken to carry the same into effect, may be deemed and taken to come within the provisions of the several Acts of Parliament passed for the prevention of lotteries, littlegoes, and unlawful games, whereby the members of such art unions as aforesaid, or other persons acting as distributors of works of art as aforesaid, may be liable or subjected to certain pains and penalties imposed by law on persons concerned in lotteries, littlegoes, and unlawful games: And that it is expedient that all members, subscribers, contributors, distributors, and other persons belonging to such voluntary associations or art unions as aforesaid, or

acting under their authority or direction, or on their behalf, and all other persons acting as distributors of works of art as aforesaid, or persons acting under their authority or on their behalf, shall be discharged and protected from any pains and penalties to which they may have rendered themselves liable, or to which they may become liable, by reason of any such their proceedings as aforesaid:—

It is Enacted,

I. That all such art unions, and all members, contributors, subscribers, distributors, or officers thereof, and persons acting for them or on their behalf, and all other persons acting as distributors of works of art as aforesaid, or persons acting under their authority or on their behalf, shall, so far as relates to persons other than members of the said art unions, or persons acting on their behalf, be discharged and freed from all suits, prosecutions, liabilities, pains, and penalties to which by law they may be liable as being concerned in lotteries, littlegoes, or unlawful games, for anything done or which may be done by them or any of them herebefore or before the 1st of October next ensuing the passing of this Act; and as to all other persons, being members of the said art unions as aforesaid, they shall be discharged and freed from all suits and prosecutions, liabilities, pains, and penalties to which by law they might be liable as being concerned in lotteries, littlegoes, or unlawful games, for anything done or which may be done by them or any of them herebefore or before the 31st of July next, touching the purchase of any such pictures or other works of art, or the sale or distribution thereof by chance or lot.

II. That this Act may be amended or repealed by any Act passed in the present session of Parliament.

CAP. CX.

AN ACT for the Registration, Incorporation, and Regulation of Joint Stock Companies.

(5th September 1844.)

[This Act is printed in the Appendix, p. xxxiii.]

CAP. CXI.

AN ACT for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.

(5th September 1844.)

[Appendix, p. liii.]

CAP. CXII.

AN ACT to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen.

(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *The Act 5 & 6 Will. 4. c. 19. repealed from and after 1st January 1846, except, &c.*
2. *No seaman to be taken to sea without a written agreement, or without a register ticket being obtained from such seaman.—Agreement to be read over and explained to seamen.*
3. *Regulations respecting form of agreements, and how to be disposed of.—No ship to be cleared inwards until receipt for agreement is produced.—Agreements in form of Schedule (B.) not to extend beyond 30th of June and 31st December.—Owner or master to deliver such agreements or copies thereof half-yearly.—Vessel not to receive transire, &c. until receipt for such agreements be produced.—Masters of vessels under eighty tons in coasting or fishing trade to receive tickets from seamen.*
4. *Penalty for default.*
5. *Seamen not to be deprived of legal remedies.—No agreement contrary to the Act, or to forgo salvage, to be valid; and certified copy of agreement to be evidence.—Seamen not bound to produce agreement.*
6. *Seamen refusing to join, or to proceed in the ship, or absenting themselves may be committed to gaol, or be sent on board.—When seamen committed to prison his ticket to be delivered to gaoler.*
7. *Forfeiture for temporary absence from or refusal to perform his duty.—Proviso.*
8. *How amount of forfeiture is to be ascertained when seamen contract for the voyage.*
9. *Forfeiture for desertion.*
10. *Penalty for harbouring deserters.—No debt exceeding 5s. recoverable from a seaman till voyage is ended.—Seaman's effects not to be detained under pretence of debt.—Penalty.*
11. *The period within which wages are to be paid.*

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12. *Payment of wages or salvage to be deemed valid, notwithstanding bill of sale, &c.—Allowance for short provisions.*
13. *Masters to give seamen their certificates on their discharge.—Penalty for default.*
14. *For obtaining immediate payment of wages in certain cases.*
15. *Summary mode of recovering wages.*
16. *Masters to have same remedies for wages as a seaman.—As to suits for recovery of wages.*
17. *When ship is sold at foreign port, the crew to be sent home at the expense of the master or owner, and ticket and certificate of discharge to be given.—Wages to be paid in case of wreck.*
18. *A supply of medicines, lime juice, sugar, and vinegar, &c. to be kept on board, and seamen hurt in the service of the ship to be provided with advice, &c. gratis.—What ships to carry surgeons.*
19. *Maintenance of a general register and record office of seamen.*
20. *Register tickets to be procured.—Masters to bring indentures and apprentices to the registrar to obtain tickets.*
21. *Altering, &c. a register ticket, misdemeanour.—Penalty of 20*l.* if ticket be not transmitted.*
22. *When register ticket is lost.—Penalty.—False answer a misdemeanour.*
23. *Register tickets of parties dead.*
24. *List of cancelled tickets to be prepared by registrar, and published half-yearly, and copies given thereof on application.—Penalty for using cancelled ticket, &c.*
25. *Papers and documents to be recorded.—Certified copies to be evidence.*
26. *Masters of ships trading abroad to deliver lists of their crews on their departure and return.—Vessels not to be cleared inwards until list be rendered.*
27. *Masters of ships in the home and fishing trade to return lists half-yearly.—Vessels not to receive transire until lists be delivered.—Owners of vessels unemployed, or not requiring Customs document, to notify the same.—Penalty for default.*
28. *Return to be made in case of ship lost or sold abroad.*
29. *Lists, &c. to be transmitted to the registrar.—Penalty on the owner or master for neglect.*
30. *Lists, &c. in the case of pleasure yachts to be transmitted to the registrar.*
31. *As to the disposal of the effects of any seaman dying abroad.*
32. *Parish boys may be put out apprentices to the sea service.—No apprenticeship binding after apprentice shall have attained twenty-one.—Apprenticeships to continue until the return of the ship, and apprentice to be paid wages.*
33. *Parish apprentice may be turned over to the sea service.*
34. *Indentures may be assigned on the death of the master.*
35. *Parish officers to prepare indentures.—Constable to convey the apprentice.—Guardians or overseers to provide clothing, &c.*
36. *How indentures to be attested.*
37. *Every ship except pleasure yachts, to have apprentices according to her tonnage:—To be subjects of Her Majesty:—Their age and term of apprenticeship.—Penalty for deficiency of apprentices, &c.*
38. *The cancelling of indentures, and death or desertion of apprentices, to be notified.—Penalty.—Consents necessary in cancelling indentures.*
39. *Indentures and assignments of parish apprentices to be registered.—Apprentices to appear personally when indentures or assignments registered.*
40. *Indentures and assignments of other apprentices to be registered.—As to assignment of indentures of apprentices.—Assignments to be registered.*
41. *Apprentices exempted from contributions.—Documents exempted from duty.*
42. *Penalty on masters neglecting to register, &c. indentures, and for suffering apprentices to quit their service.*
43. *Justices to determine complaints.*
44. *Common assaults may be summarily punished by two Justices.*
45. *Masters entitled to receive the wages, &c. of apprentices entering into the navy.*
46. *No seaman to be discharged abroad, nor to be abandoned, or left behind, without sanction of consul, &c.*
47. *Forcing seamen on shore, &c. a misdemeanour.—Where misdemeanours may be prosecuted.*
48. *If any of the crew are left behind, the proof of sanction or authority to be upon the master.*
49. *Seamen when allowed to be left behind, to be paid their wages.*
50. *Act not to extend to prevent seamen from entering into the navy.*
51. *Upon entry of seamen into the navy from any ships they shall be entitled to the immediate delivery up of their clothes, register tickets, and payment of any wages that may be due.*
52. *Power for Her Majesty to sue for the amount advanced for the relief of seamen left abroad.*
53. *Ship's agreement, indentures, and assignments of apprenticeship and register tickets, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of Customs.—Consuls to make indorsements on agreements.—Penalty on masters for neglect, &c.*
54. *No seaman to be shipped at a foreign port without the sanction of the consul.*
55. *Masters to produce agreement, &c. to the officers of Queen's ships.—Penalty.*
56. *Consuls, registrar, and officers of Customs empowered to require production of the agreement, muster roll, &c.—Penalty on master refusing to produce.*
57. *Survey of provisions, &c.—If provisions are found insufficient, &c.*
58. *As to offences committed at foreign ports.*
59. *For the safe custody and conveyance of offenders to England.*
60. *As to the conveyance of offenders and witnesses to England.*
61. *As to ships belonging to British colonies.*
62. *Recovery of penalties.—Application of forfeitures.*
63. *Definition of the terms "master," "seaman," "ship," and "owner."*
64. *As to relief to persons from Asia and Africa becoming distressed in the United Kingdom.*
65. *Act may be amended this session.*

By this Act,

After reciting that the prosperity, strength, and safety of this United Kingdom and Her Majesty's dominions do greatly depend on a large, constant, and ready supply of seamen; and it is therefore expedient to promote the increase of the number of seamen, and to afford them all due encouragement and protection, and for this purpose to amend and consolidate the laws relating to them; and it is also expedient to keep a register of seamen:—

It is Enacted,

I. That from and after the 1st of January 1845, from which day this Act shall commence and take effect, an Act, 5 & 6 Will. 4. c. 19, intituled, 'An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service,' shall be and the same is hereby repealed, except so far as such Act repeals the Acts thereby repealed, and except so far as relates to the establishment, maintenance, and regulations of the office called "The General Register Office of Merchant Seamen:" Provided always, that all offences which shall have been committed and all penalties and forfeitures which shall have been incurred previously to the commencement of this Act shall and may be punishable and recoverable respectively under the above-mentioned Act as if the same had not been repealed; provided also, that all acts and things made, done, or executed under or by virtue of and in accordance with the provisions of the said Act, 5 & 6 Will. 4. c. 19, prior to the commencement of this Act, shall be good, valid, and effectual to all intents and purposes.

II. That it shall not be lawful for any master of any ship, of whatever tonnage or description, belonging to any subject of Her Majesty, proceeding to parts beyond the seas, or of any British registered ship of the burden of eighty tons or upwards employed in any of the fisheries of the United Kingdom, or in proceeding coastwise, or otherwise, from one part of the United Kingdom to another, to carry to sea any seaman as one of his crew or complement (apprentices excepted), unless the master of such ship shall have first made and entered into an agreement in writing with such seaman, specifying what wages such seaman is to be paid, the quantity of provisions he is to receive, the capacity in which he is to act or serve, and the nature of the voyage in which the ship is to be employed, so that such seaman may have some means of judging of the period for which he is likely to be engaged; and that such agreement shall be properly dated, and shall be signed by such master in the first instance, and by the seamen respectively at the port or place where they shall be shipped; and that the signature of each of the parties thereto shall be duly attested by one witness at the least, and that the master shall cause the agreement to be read over and explained to every such seaman in the presence of such witness, before such seamen shall execute the same; and it shall not be lawful for the master of any ship to carry to sea any seaman, being a subject of Her Majesty, until he shall also have first obtained from every such seaman or other person his register ticket (to be procured as hereinafter mentioned), which ticket the said master is hereby required to retain (except in the cases hereinafter provided) until the service of such seaman shall have terminated, and at the termination of such service the said master shall return the register ticket to him.

III. That in the case of any ships, of whatever tonnage or description, belonging to any subject or subjects of Her Majesty, and proceeding to parts beyond the seas, (except as hereinafter provided,) the agreement shall be in the form set forth in Schedule (A.) to this Act annexed, and shall contain the several particulars therein mentioned or required; and the master shall, within twenty-four hours after the ship's arrival at her final port of destination in this United Kingdom, deliver or cause to be delivered to the collector or comptroller of the Customs at and for such port every agreement so made as aforesaid, or a true copy thereof, and of every indorsement thereon, the agreement, or copy thereof, in either case, to be certified as such by such master or owner, and also by the mate or next officer (if any) of such ship or vessel, each of whom is hereby required to sign such certificate in the presence of one attesting witness at the least; and if the original agreement be delivered to such collector or comptroller he shall retain the same until all the wages to which the agreement relates shall be paid or satisfied, and then he shall transmit such original agreement to the registrar of seamen; and no such ship shall be cleared inwards by the tide surveyor or other officer until the master shall produce and shew a certificate from such collector or comptroller (which he is hereby required to give) to the effect that he has delivered his agreement, or an attested copy thereof, as aforesaid; and the tide waiters left on board shall be maintained at the expense of the master or owner until such certificate shall be produced and shewn, or until it shall be proved to the satisfaction of the tide surveyor or other officer that such agreement or agreements or such copy thereof, has or have been so delivered as aforesaid; and in the case of any ship employed in fishing on the coasts of the United Kingdom, or proceeding from one part of the United Kingdom to another, or proceeding to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any place on the Continent of Europe between the River Elbe inclusive and Brest, the agreement shall be in the form set forth in Schedule (B.) to this Act annexed, and shall contain the several particulars therein mentioned or required; and every such agreement shall not extend beyond the 30th of June and the 31st of December in each year, or on arrival in any port of the United Kingdom after the same respective dates: and the owner or master of every such ship as last aforesaid shall, within twenty-one days next after the 30th of June and the 31st of December in each year, transmit or deliver, or cause to be transmitted or delivered, to the collector or comptroller of the Customs of any port of the United Kingdom, every agreement made within the six months next preceding such 30th of June and 31st of December respectively, or a true copy thereof, and of every indorsement thereon, certified as aforesaid; and such collectors and comptrollers respectively shall and are hereby required to give a receipt (specifying the nature of the document) for every agreement or other document, or such copy thereof, to the master, owner, or person so delivering the same; and no master or owner, after the expiration of the said twenty-one days, shall be entitled to or receive a transire, or any other Customs document necessary for the conduct of the business of the ship, until he shall produce and shew such receipt, or shall prove to the satisfaction of the officer that every such agreement, or such copy thereof as aforesaid, has been duly delivered as aforesaid; and the owner or master of every ship under the burden of eighty tons, employed as last aforesaid, who is not required by this Act to enter into any written agreement with his crew, shall, before employing any seaman or other person in the service of his ship, receive from every such seaman or other person his register ticket, and shall retain the same until the service of such seaman or other person shall have expired, and at the expiration of such service the master shall return the register ticket to the person entitled thereto.

iv. That if any master or owner shall carry out to sea any seaman (apprentices excepted) without having first entered into the required agreement with such seaman, or if any master shall not obtain from any seaman or other person being a subject of Her Majesty, his register ticket, according to the provisions of this Act, he shall in either and every of such cases forfeit and pay the sum of 10*l*. for and in respect of every such seaman; and if any master or owner shall neglect to cause such agreement to be read over and explained to such seaman before the signing or execution thereof by such seaman, the said master or owner shall for each neglect forfeit and pay the sum of 5*l*. for every such seaman; and if any master or owner shall neglect or omit to deliver or cause to be delivered to such collector or comptroller any such agreement, or such copy thereof as aforesaid, or shall not deliver up any register ticket to the person entitled to it at the expiration of his service, or otherwise, as required by this Act, he shall for every such neglect, omission, or offence forfeit and pay the sum of 10*l*. or if any master or owner shall deliver or cause to be delivered a false copy of the agreement he shall for every such offence forfeit and pay the sum of 20*l*.

v. That no seaman, by reason of any agreement, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages to which he would otherwise be entitled against any person or persons whatever; and no agreement contrary to or inconsistent with this Act, nor any clause, contract, or engagement whereby any seaman shall consent or promise to forego or give up any right or claim to wages in the case of freight earned by a ship subsequently lost, or any right or claim to salvage or reward for salvage services, or such proportion of salvage or reward for salvage services as shall or may be due to him by decree or award, or otherwise, shall be valid or binding on such seaman; and every copy of an agreement so certified and delivered as aforesaid shall in all cases be received and taken as evidence of the contents of the agreement for and on behalf of the seaman; and no seaman shall in any case be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but in case the agreement shall not be produced and proved he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

vi. That in case a seaman whether before the commencement or during the progress of any voyage, shall at any time neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in such ship, or shall absent himself therefrom without leave, or shall desert, it shall be lawful for any Justice of the Peace in and for any of Her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where such ship shall happen to be, or where such seaman shall be found, and such Justice is hereby required, upon complaint made upon oath by the master, mate, or owner, or his agent, to issue his warrant, and cause such seamen to be apprehended, and brought before him; and in case such seaman shall not give a reason to the satisfaction of such Justice for his neglect, refusal, or absence, as the case may be, or in case of desertion, it shall be lawful for any such Justice, upon due proof of such neglect, refusal, absence, or desertion, to commit such seaman to prison or to the house of correction, there to be imprisoned, with or without hard labour, at the discretion of such Justice, for a period not exceeding thirty days; or it shall be lawful for the said Justice if he shall so think fit, at the request of the master, mate, or owner, or his agent, instead of committing such seaman, to cause him to be conveyed on board the said ship, or to be delivered to the master, mate, or owner, or his agent, for the purpose of being so conveyed and proceeding on the voyage, and also to award to the master or owner such costs incurred in the apprehension of the seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of 40*s*., which shall be chargeable against and may be deducted from the wages of such seaman; and whenever any seaman shall be committed to prison or to any house of correction, the Justice shall cause his register ticket to be delivered to the governor or keeper of such prison or house of correction, who shall retain the same during the period of the seaman's imprisonment, and at the expiration of such period shall return the register ticket to the seaman; and whenever a seaman shall be sentenced to death or transportation the officer having the custody of such seaman shall transmit his register ticket to the registrar of seamen.

vii. That if any seaman during the time or period specified for his service shall wilfully and without leave absent himself from the ship, or otherwise from his duty, he shall (in all cases not of desertion, or not treated as such by the master,) forfeit out of his wages the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and in case any seaman while he shall belong to the ship shall without sufficient cause neglect or refuse to perform such his duty as shall be reasonably required of him by the master or other person in command of the ship, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours' continuance thereof; and in case any such seaman, after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship, without a previous discharge or leave from the master, he shall forfeit one month's pay out of his wages: Provided always, that no such forfeiture shall be incurred unless the fact of the seaman's absence, neglect or refusal shall be duly entered in the ship's log book, the truth of which entry it shall be incumbent on the owner or master, in all cases of dispute, to substantiate by the evidence of the mate or some other credible witness.

viii. That in all cases where the seaman shall have contracted for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeitures to be incurred by seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole time spent in the voyage agreed upon shall exceed one calendar month the forfeiture of one month's pay expressed in this Act shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages or share as a calendar month shall bear to the whole time spent in the voyage; and in like manner a forfeiture of six days' pay, or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages or share as the six days or other period shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed the period for which the pay is to be forfeited the forfeiture shall be accounted and taken to be a forfeiture of the whole wages or share; and the master or owner is hereby authorized to deduct the amount of all forfeitures out of the wages or share of any seaman incurring the same.

ix. That any seaman or other person who shall desert the ship to which he shall belong shall forfeit to the owner thereof all his clothes and effects which he may leave on board, and he shall also forfeit all wages and emoluments to which he might otherwise be entitled; and in case of any seaman deserting abroad, he shall likewise forfeit all wages and emoluments whatever

which shall be or become due or be agreed to be paid to him from or by the owner or master of any other ship in the service whereof such seaman may have engaged for the voyage back to the United Kingdom; and that all wages and portions of wages and emoluments which shall in any case whatever become forfeited for desertion shall be applied, in the first instance, in or towards the reimbursement of the expenses occasioned by such desertion to the owner or master of the ship from which the seaman shall have deserted, and the remainder shall be paid to the Seamen's Hospital Society; and the master shall, in case of desertion in the United Kingdom, deliver up the register ticket of such seaman or other person to the collector or comptroller of the Customs at the port: Provided always, that every desertion be entered in the log book at the time, and certified by the signatures of the master and the mate, or the master and one other credible witness; and that the absence of a seaman from his ship for any time within twenty-four hours immediately preceding the sailing of the ship from any port, whether before the commencement or during the progress of any voyage, wilfully and knowingly, without permission, or the wilful absence of a seaman from his ship at or for any time without permission, and under circumstances shewing an intention to abandon the same, and not return thereto, shall be deemed a desertion of and from the same ship; and in case any seaman shall desert in parts beyond the seas, and the master of the ship shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner or master of the ship shall be entitled to recover from the deserter, by summary proceeding, in the same manner as penalties are by this Act made recoverable (so far as the same can be applied), any excess of wages or portion thereof which such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his agreement: Provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

X. That if any person shall wilfully harbour or secrete any seaman or apprentice who shall have deserted from his ship, knowing or having reason to believe such seaman or apprentice to be a deserter, every person so offending shall for every such seaman or apprentice so harboured or secreted forfeit and pay the sum of 10*l.*; and no debt exceeding in amount 5*s.*, incurred by any seaman after he shall have engaged to serve, shall be recoverable until the service agreed for shall have been concluded; nor shall it be lawful for any keeper of a public house, or of a lodging house for seamen, to detain any chest, tools, or other property of any seaman for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a seaman, it shall be lawful for any Justice of the Peace at or near the place, upon complaint upon oath to be made by such seaman or on his behalf, to inquire into the matter upon oath in a summary way; and if it shall appear to such Justice that the alleged claim is fraudulent, or that the debt was not fairly incurred to the full amount of the claim, by warrant under his hand and seal to cause such effects to be seized and delivered over to such seaman; and the person so detaining the same shall forfeit and pay a sum not exceeding 10*l.*, at the discretion of such Justice.

XI. That the master or owner of every ship shall and is hereby required to pay to every seaman his wages within the respective periods following; (that is to say,) if the ship shall be employed in coasting, the wages shall be paid within two days after the termination of the agreement, or at the time when any such seaman shall be discharged, whichever shall first happen; and if the ship shall be employed otherwise than coasting, then the wages shall be paid at the latest within three days after the cargo shall have been delivered, or within seven days after the seaman's discharge, whichever shall first happen; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him; and in case the master or owner shall neglect or refuse to make payment in manner aforesaid, he shall for every such neglect or refusal forfeit and pay to the seaman the amount of two days' pay (to be recovered as wages) for each day, not exceeding ten days, during which payment shall, without sufficient cause, be delayed beyond the respective periods aforesaid: Provided always, that nothing in this clause contained shall extend to the cases of ships employed in the Southern Whale Fishery, or on voyages for which seamen, by the terms of their agreement, are wholly compensated by shares in the profits of the adventure.

XII. Enacted and declared, That every such payment of wages to a seaman shall be valid and effectual in law, notwithstanding any bill of sale or assignment which may have been made of such wages, or of any attachment or incumbrance thereon, and that no assignment or sale of wages or salvage made prior to the accruing thereof, nor any power of attorney expressed to be irrevocable for the receipt of any such wages or salvage, shall be valid or binding upon the party making the same, and any attachment to be issued from any court whatever shall not prevent the payment of wages to any seaman; and if during the voyage the allowance of provisions which a seaman agreed to receive shall be reduced one third of the quantity or less he shall receive 4*d.* per day, and if the reduction be more than one-third he shall receive 8*d.* per day, during the period such respective deductions may be made, and such pecuniary allowance shall be paid to him in addition to and be recoverable as wages.

XIII. That upon the discharge of a seaman from any ship, or upon payment of the wages to him, he shall receive from the master, and the master is hereby required to give to him, not only his register ticket, but also a certificate of such seaman's service and discharge, in the form set forth in Schedule (E.) to this Act annexed, specifying the period of his service, and the time and place of his discharge, which certificate shall be signed by the master, and if the master shall not give such certificate to such seaman he shall forfeit and pay to him the sum of 5*l.*

XIV. That if three days after the termination of the stipulated service, or if three days after a seaman shall have been discharged, he shall be desirous of proceeding on another voyage, and in order thereto, or for any other sufficient reason, shall require immediate payment of any amount of wages, not exceeding 20*l.*, due to him, it shall be lawful for any Justice of the Peace, in and for any part of Her Majesty's dominions or the territories under the government of the East India Company, where or near to the port or place where such service shall have terminated, or such seaman shall have been discharged, or the party or parties liable shall be or reside, on application from such seaman, and on satisfactory proof that he would be prevented from employment or incur serious loss or inconvenience by delay, to summon such party or parties before him, and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, to order payment to be made

forthwith, and in default of immediate compliance with such order such party or parties shall forfeit and pay to such seaman, in addition to his wages, the sum of 5*l*.

xv. That in all cases of wages, not exceeding 20*l*., which shall be due and payable to any seaman, it shall be lawful for any Justice of the Peace in and for any part of Her Majesty's dominions or the territories under the government of the East India Company, where or near to the place where the ship shall have ended her voyage, cleared at the custom-house, or discharged her cargo, or where or near to the place where the party or either of the parties upon whom the claim is made shall be or reside, upon complaint on oath made to such Justice by such seaman, or on his behalf, to summon such party or parties to appear before him to answer such complaint; and upon the appearance of such party or parties, or, in default thereof, on due proof of him or them having been so summoned, such Justice is hereby empowered to examine the parties and their respective witnesses (if there be any) upon oath, touching the complaint, and the amount of wages due, and to inspect any agreement or copy thereof, if produced, and make such order for payment of the said wages, not exceeding 20*l*., with the costs incurred by the seaman in prosecuting such claim, as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale,) after deducting thereout all the costs, charges, and expenses incurred by the seaman in the making and prosecuting of the complaint, as well as the costs and charges of the distress and levy; or to cause the amount of the said wages, costs, charges, and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or on the tackle and apparel thereof; and if such ship shall not be within the jurisdiction of such Justice, or such levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the party upon whom the order shall be made to be apprehended, and committed to the common gaol of the district or county, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof; and the award and decision of such Justice as aforesaid shall be final and conclusive.

xvi. That all the rights, liens, privileges, and remedies (save such remedies as are against a master himself) which by this Act, or by any law, statute, custom, or usage, belong to any seaman or mariner, not being a master mariner, in respect to the recovery of his wages, shall, in the case of the bankruptcy or insolvency of the owner of the ship, also belong and be extended to masters of ships or master mariners, in respect to the recovery of wages due to them from the owner of any ship belonging to any of Her Majesty's subjects; and that no suit or proceeding for the recovery of wages shall, unless they exceed 20*l*., be instituted against the ship, or the master or owner thereof, either in any Court of Admiralty or Vice Admiralty Court, or any court of record in Her Majesty's dominions, or the territories under the government of the East India Company, unless the owner of the ship shall be bankrupt or insolvent, or the ship shall be under arrest or sold by the authority of any Admiralty or Vice Admiralty Court, or unless any magistrate acting under the authority of this Act shall refer the case to be adjudged by any such Court or Courts, or unless neither the owner nor master shall be or reside at or near the port or place where the service shall have terminated, or where any seaman shall have been discharged or put on shore.

xvii. That whenever any ship whatever, belonging to any subject of Her Majesty, shall be sold, transferred, or disposed of at any port out of Her Majesty's dominions, in all such cases (unless the crew in the presence of the British consul or vice consul, or in case of there not being any such consul or vice consul, then in the presence of one or more British resident merchants, not interested in the said ship, shall signify their consent in writing to complete the voyage if continued), or whenever the service of any seaman shall terminate at any place out of Her Majesty's dominions, the master shall and he is hereby required to give to each of the crew and to each of the seamen whose service shall terminate as last aforesaid, a certificate of discharge in the said form set forth in Schedule (E), and also his register ticket, and, besides paying the wages to which they shall respectively be entitled, either to provide them with adequate employment on board some other British vessel homeward bound, or to furnish the means of sending them back to the port in Her Majesty's dominions at which they were originally shipped, or to such other port in the United Kingdom as shall be agreed upon between him and them respectively, or to provide them with a passage home, or to deposit with the consul or vice consul, merchant or merchants as aforesaid, such a sum of money as shall be by them deemed sufficient to defray the expenses of the subsistence and passage of such seamen; and if the master shall refuse or neglect so to do, such expenses, when defrayed by such consul or vice consul, or any other person on behalf of the seaman, shall be a charge upon the owner of such ship, except in cases of barratry, and may be recovered against such owner as so much money paid to his use, together with full costs, at the suit of the consul or other person defraying such expenses, or as a debt due to Her Majesty, in case the same shall have been allowed to the consul out of the public monies, and if defrayed by the seaman shall be recoverable as wages due to him; and in all cases of wreck or loss of the ship every surviving seaman shall be entitled to his wages up to the period of the wreck or loss of the ship, whether such ship shall or shall not have previously earned freight; provided the seaman shall produce a certificate from the master or chief surviving officer of the ship, to the effect that he had exerted himself to the utmost to save the ship, cargo, and stores.

xviii. That every ship navigating between the United Kingdom and any place out of the same shall have and keep constantly on board a sufficient supply of medicines and medicaments suitable to accidents and diseases arising on sea voyages, in accordance with the scale which shall from time to time or at any time be issued by the Lord High Admiral, or by the Commissioners for executing the office of Lord High Admiral, and published in the *London Gazette*; and every ship (except those bound to European ports or to ports in the Mediterranean sea) shall also have on board a sufficient quantity of lime or lemon juice, sugar, and vinegar, the lime or lemon juice, sugar, and vinegar to be served out to the crew whenever they shall have been consuming salt provisions for ten days; the lime or lemon juice and sugar daily, after the rate of half an ounce each per day, and the vinegar weekly, at the rate of half a pint per week to each person, so long as the consumption of salt provisions be continued; and in case any default shall be made in providing and keeping such medicines, medicaments, and lime or lemon juice, sugar, and vinegar, the owner of the ship shall incur a penalty of 20*l*. for each and every default; and in case of default of serving out such lime or lemon juice, sugar, or vinegar as aforesaid, the master shall incur

a penalty of 5*l.* for each and every default; and in case the master or any seaman shall receive any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and for his subsistence until he shall have been cured, or shall have been brought back to some port of the United Kingdom, shall, together with the costs of his conveyance to the United Kingdom, be defrayed by the said owner of the ship without any deduction whatever on that account from the wages of such master or seaman; and, if paid by any officer or other person on behalf of Her Majesty, the amount, with full costs of suit, shall be recovered as a debt due to Her Majesty; and every ship having one hundred persons or upwards on board, and every ship the voyage of which shall be deemed under the provisions of the Act, 6 Vict., intituled, 'An Act for regulating the Carriage of Passengers in Merchant Vessels,' to exceed twelve weeks, having fifty persons or upwards on board, shall have on board, as one of her complement, some person duly authorized by law to practise in this kingdom as a physician, surgeon, or apothecary; and in case of every default the owner shall incur a penalty not exceeding 100*l.*

And after reciting, that in and by the said Act, 5 & 6 Will. 4. c. 19, it was provided, that as soon as conveniently might be after the passing of that Act there should be established in the port of London an office to be called "The General Register Office of Merchant Seamen," which should consist of a registrar and such assistants and clerks, with such salaries and allowances as should be fixed and regulated from time to time by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being; and that such office should be kept at the Custom House of the said port, and daily attendance be given thereat during the usual hours of business there; and that the said registrar, his assistants and clerks, should be under the controul and directions of the said Lord High Admiral or the Commissioners for executing the office aforesaid for the time being: And that such office was established under and in pursuance of the said Act, and it is expedient to maintain and continue the same under the title of "The General Register and Record Office of Seamen,"—

It is Enacted,

XX. That such office, salaries, and allowances, with every thing appertaining to the said office, shall be maintained and continued in manner and form, and subject to such regulations, directions, and controul, as the said Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being have directed or shall direct; and the said Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being shall have power to fix and regulate such fees as he or they may deem proper to be paid by the applicants for the inspection and copies of documents in the said office.

XX. That every person, being a subject of Her Majesty, intending to serve on board any ship subject to the provisions of this Act (except as master or physician, surgeon or apothecary), shall and he is hereby required to provide himself with a register ticket, and for that purpose to apply personally at the General Register and Record Office of Seamen in London, or at the custom houses of the several outports of the United Kingdom; and every applicant is hereby required to answer truly, to the best of his ability, all the questions set forth in Schedule (F.) to this Act annexed, before he shall be entitled to receive his register ticket; and no person shall serve in any capacity on board any ship subject to any of the provisions of this Act (except the master, physician, surgeon, or apothecary) who is not possessed of such register ticket; and the masters of all apprentices who shall be bound after the commencement of this Act, or whose apprenticeship shall be in force when this Act takes effect, shall, before commencing a voyage, bring all indentures and assignments of apprenticeships, together with the apprentices themselves, to the registrar of seamen in London, or to the custom house of the nearest port, in order that each of such apprentices may be furnished with a register ticket, which ticket shall be annexed and be kept annexed to the original indenture retained by the master, and shall be delivered up to the apprentice by the master at the expiration of the apprenticeship; and the registrar of seamen and the collectors and comptrollers of Customs respectively are hereby required to grant such tickets to all seamen and other persons requiring the same, and duly complying with the provisions aforesaid.

XXI. That if any person shall alter or destroy a register ticket, or counterfeit, transfer, or traffic in, for gain or otherwise, or attempt to counterfeit, transfer, or traffic in, for gain or otherwise, any register ticket issued or purporting to be issued pursuant to the provisions of this Act, he shall for every such offence be guilty of a misdemeanour; and any person becoming possessed of a register ticket, other than that legally issued to him, shall forthwith transmit the same to the registrar of seamen, and in case of default he shall for every such offence forfeit and pay a sum of 20*l.*

XXII. That if any seaman shall lose his register ticket he shall forthwith appear in person, and represent his case to the registrar of seamen in London, or to the collector or comptroller of Customs at any of the outports; and he shall truly answer all reasonable questions put to him by the said registrar or officer of Customs; and if it appear that no fraud has been committed, and the loss was unavoidable, he shall be furnished with another register ticket; but if it appear that the seaman did not take due and reasonable care of his former ticket, or if he shall not give a satisfactory account of the same, he shall be liable to a penalty of not exceeding 10*s.* and not less than 2*s.*, and shall not be entitled to any other ticket until such penalty shall be paid; and every person who shall apply for any ticket, and shall give a false answer to any reasonable question which may be put to him by the registrar of seamen, or his assistant, or by the collector or comptroller of Customs, with reference to the granting such ticket, shall be guilty of a misdemeanour.

XXIII. That all district registers of births, deaths, and marriages shall and they are hereby required to demand from the person registering the death of any seaman the register ticket of such seaman, and, if delivered to any such registrar, he shall forthwith forward the same to the registrar of seamen; and no person, other than the said registrar of seamen, shall retain the ticket of a deceased seaman; and if any person shall retain any such ticket for more than twenty days after the death of any such seaman, or ten days after the arrival of the ship in the United Kingdom should the seaman die abroad, he shall be liable to a penalty of not exceeding 5*l.* in respect of every such register ticket so detained.

XXIV. That a list shall be prepared from time to time by the registrar of seamen, setting forth the numbers of all the register tickets that have been cancelled by reason of the death of seamen or otherwise within the preceding six calendar

months; and such lists shall be published half-yearly in the *London Gazette*, and shall also be transmitted by the said registrar from time to time to the collectors and comptrollers of Customs, to be by them conspicuously exhibited in the custom houses and other stations of their respective ports, and copies of such lists shall be delivered to any master or owner on application; and every master or owner entering into an agreement with any seaman producing such cancelled ticket shall be liable to and incur a penalty of not exceeding 5*l.*; and every seaman tendering or delivering to a master a cancelled ticket, or any other ticket not legally issued to him, or falsely representing himself to be a foreigner, shall forfeit to the owner all wages which shall become due to him during the service, for which he shall agree or shall have agreed.

XXV. That duplicates of all register tickets, and all papers and documents delivered or transmitted to and retained by the said registrar, shall be by him recorded, preserved and kept; and every copy of such duplicate tickets, papers, and documents, or any of them, certified by the said registrar or his assistant to be a true copy, shall be admitted in evidence as fully as the original thereof; and every copy of a document and indorsement thereon, which may be delivered by any owner or master under the provisions of this Act, shall and may be admitted in evidence against such owner and master, and each of them, as fully as the original of such document and indorsement.

XXVI. That the master of every ship belonging to any subject of Her Majesty, and bound to parts beyond the seas, except in the cases hereinafter mentioned, shall, before he leaves his first port of departure from the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the collector and comptroller of Customs at such port, a list, signed by himself, of the names of his crew (including apprentices), with the numbers of their register tickets, and the capacity in which they are serving on board, in the form set forth in Schedule (G.) to this Act annexed; and if any subsequent change in his crew take place before finally leaving the United Kingdom the owner or master shall, upon such change taking place, apprise the collector and comptroller of the Customs at the port where it occurs, by transmitting an amended list in the same form; and the master or owner of every such ship shall, within forty-eight hours after the arrival of such ship at her final port of destination in the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the collector or comptroller of the Customs at such port, an account or list, signed by himself, of all the seamen and others (including apprentices) who shall have belonged to the ship at any time during her absence from the United Kingdom; which account or list shall contain a full, true, and correct return under their respective heads of the several particulars expressed in the form set forth in the Schedule annexed to this Act, and marked (C.), with christian names and surnames of the master and all the crew at full length, and with the dates of the registry of the indentures of the apprentices, and the assignments respectively, and the port at which and the time when they were respectively registered, and also the numbers of the register tickets of every apprentice and seaman; and no vessel shall be cleared inwards by the tide surveyor or other officer until the master or owner shall produce a certificate from the collector or comptroller (which he is hereby required to give) to the effect that he has rendered such accounts or lists as aforesaid; and the tide waiters or other officers left on board shall be maintained at the expense of the master or owner until such accounts or lists shall be duly delivered as aforesaid.

XXVII. That within twenty-one days after the 30th of June and the 31st of December in each year the master or owner of every ship belonging to a subject of Her Majesty, of whatever tonnage, employed in fishing on the coasts of the United Kingdom or elsewhere, other than in the South Sea, Greenland, and Newfoundland fisheries, or in proceeding from one part of the United Kingdom to another, and every ship proceeding or making voyages to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any port on the continent of Europe, between the river Elbe inclusive and Brest, shall deliver or transmit, or cause to be delivered or transmitted, to the collector or comptroller of the Customs of any port of the United Kingdom, an account, signed by such master or owner, of any voyage or voyages in which such ship shall have been engaged during the preceding half-year ending on the respective days above mentioned, and setting forth legibly and at full length the christian and surnames of the several persons (including the master and apprentices) who shall have belonged to the ship at any time during such periods respectively; which account shall be in the form and shall contain a true and correct return under their respective heads of the several particulars expressed in the Schedule marked (D.) to this Act annexed, with the dates of the registry of the indentures of apprenticeship and assignments respectively, and the ports at which and the time when they were respectively registered, and the numbers of the register tickets of every seaman and apprentice; and no master or owner shall be entitled to or receive a transire or other Customs document necessary to enable him to conduct the business of his ship, after the expiration of the said twenty-one days, until he shall produce and shew a certificate from such collector or comptroller (which he is hereby required to give), to the effect that he has delivered such an account; and in the case of ships of all descriptions which may be unemployed for six months, or which may be employed and not require a transire or other Customs document, the master or owner shall notify the same to such collector or comptroller within such twenty-one days, and in case of every default the master or owner shall be liable to a penalty of 10*l.*; and all collectors and comptrollers of Customs of the ports to which the vessels belong shall transmit a list of all such ships, and of all ships of every description registered or licensed, or whose registers or licences have been transferred or cancelled in their respective ports within each half-year ending as aforesaid, to the said registrar at the said office, on or before the 1st of February and the 1st of August in each year respectively.

XXVIII. That in case any ship belonging to any subject of Her Majesty shall be lost, sold, or transferred, an account, containing a similar return as required in the several and respective cases before mentioned, made out up to the period of such loss, sale, or transfer, shall, if practicable, be delivered or transmitted by the master or owner at the time of the loss, sale, or transfer, to the collector or comptroller of the port to which the ship belongs, with all convenient speed, and in case such loss, sale, or transfer shall take place out of the United Kingdom, within twelve calendar months at farthest after the loss, sale, or transfer of the ship.

XXIX. That all indentures, counterparts, assignments, lists, accounts, returns, papers, register tickets, and documents by this Act required to be delivered to the collectors or comptrollers as aforesaid shall be by them transmitted to the said registrar for the purposes of this Act at the end of every week, unless otherwise specified in this Act; and every owner or master who shall refuse or neglect to transmit, deliver or cause to be delivered, any list, account, register ticket, or other document, as required by this Act, shall for every such refusal or neglect forfeit and pay the sum of 10*l.*

xxx. That all agreements, or copies thereof, lists, returns, register tickets, and other documents, which under the provisions of this Act are required to be transmitted or delivered to the collectors or comptrollers of Customs of the several ports in the United Kingdom, shall, in the case of pleasure yachts, be transmitted or delivered by the masters or owners of such yachts direct to the registrar of seamen, and the owners or masters thereof shall be liable to the same penalties for default as herein provided in the cases of the masters or owners of other ships failing to transmit or deliver such documents to such collectors and comptrollers.

xxxi. That whenever any seaman, being abroad, shall die elsewhere than on board a ship belonging to any subject of Her Majesty, leaving any money or effects not on board his ship, it shall be lawful for Her Majesty's Consul or Vice Consul at or nearest to the place, and he is hereby required, to claim and take charge of all such money and effects, and to dispose of the said effects, if he shall so think fit, and after deducting all necessary and proper charges and expenses incurred in the collecting thereof, or by or on account of such seaman, to remit the balance, with a full account of such money or effects, to the president and governors of the corporation "For the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service," to be by such president and governors paid over and disposed of, in the same manner and under the same regulations as are provided by an Act, 4 & 5 Will. 4. c. 52, intituled, 'An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes,' with respect to the wages of seamen dying on board merchant ships; and in case any seaman dying abroad shall leave on board his ship any money, clothes, or other effects, or be entitled to any wages, the master of the said ship shall and he is hereby required to deposit the same, or the proceeds arising therefrom, with, and to pay such wages to, the president and governors aforesaid, to be by them disposed of in the same manner as is provided by the said Act with respect to the wages of seamen dying on board ship, and to transmit to the said president and governors at the same time a full account of such effects and wages; and on failure the master shall forfeit a sum not exceeding 50*l.*, in addition to being accountable for such money, clothes, effects, and wages; and in all cases of a seaman dying abroad the master shall, on his ship's return to the United Kingdom, deliver up to the said president and governors the register ticket of such deceased seaman, and the said president and governors, on the receipt thereof, shall transmit the same to the registrar of seamen.

xxxii. That it shall be lawful for the overseers of the poor, or other persons, having the authority of overseers of the poor, in and for any district, union, parish, township, or place in the United Kingdom, and they are hereby empowered, to bind by indenture, according to the form set forth in Schedule (H.) to this Act annexed, and put out as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any ship registered or licensed in any port of the United Kingdom, any boy having attained the age of twelve years, and of sufficient health and strength, who or whose parent or parents is or are chargeable to or maintained by any such district, union, parish, township, or place, or who shall beg for alms therein, with his consent, but not otherwise; and until such boy shall attain the age of twenty-one years, or shall have served as apprentice seven years, or whichever shall first happen, such binding shall be effectual to all intents and purposes: Provided always, that where any such parish, township, or place separately maintaining its own poor shall be included in any union, or shall be under the management of a board of guardians, no such binding shall be valid unless the guardians of such union, parish, or other place respectively shall previously have given their consent thereto, by causing their official seal to be affixed to the indenture, and the same to be signed by the presiding chairman of the board at any meeting, and the clerk or person acting as such at such meeting; and provided also, that every such binding shall be made in the presence of any such boy, and of two Justices of the Peace, who shall execute the indenture in testimony of their being satisfied that such boy hath consented so to be bound, and attained the age, and is of sufficient health and strength as required by this Act; and the age of every such boy shall be truly inserted in his indenture, and the age of every such boy so inserted therein shall (in relation to the continuance of his service) be taken to be his true age, without any further proof thereof; and any certificate of baptism of such boy which may be required shall be given and attested by the officiating minister without fee or reward: Provided always, that no apprenticeship to the sea service, whether parish or otherwise, shall be binding after the apprentice shall have attained the age of twenty-one years; and that every indenture, together with his register ticket annexed thereto, shall be given up to such apprentice on his attaining such age, or at the expiration of his apprenticeship, whichever shall first happen, by the person to whom he shall be bound at the time, under a penalty of 20*l.*, to be paid by such person on default; but should any apprenticeship, parish, or otherwise, expire during a voyage, and before the ship's arrival at her final port of destination in the United Kingdom, such apprenticeship shall, notwithstanding, continue until the return of the ship to her final port of destination in the United Kingdom; but after one calendar month from the expiration of such apprenticeship the apprentice shall be paid the same wages as an able-bodied seaman or ordinary seaman of the said ship, according to his qualification.

xxxiii. That it shall be lawful for any master or person to whom any parish apprentice shall have been or shall be hereafter bound to a service on shore, according to the statutes for the time being relating to such apprentices, or for the executors or administrators, or, there being none such, for the widow of any deceased master, with the concurrence of two or more Justices of the Peace in and for the county, district, or place where such boy shall have been bound apprentice, to assign such boy, with his consent, to be given in the presence of such Justices, but not otherwise, as apprentice to any such owner as aforesaid, to be employed in the sea service during the period then remaining unexpired of his apprenticeship; and every such assignment shall be attested as next hereinafter mentioned.

xxxiv. That in the event of the bankruptcy, insolvency, or death of the master of any such parish apprentice to the sea service, it shall be lawful for such master, or the executors or administrators of such master, or, there being none such, for the widow of such deceased master, to assign the indenture of any such apprentice for the residue of the term then unexpired therein to any other owner of any such ship: Provided always, that such assignment, if executed within the limits of the port of London, shall be attested by the said registrar, his assistant, or one of his clerks, and if executed at any other port, by the collector or comptroller of the Customs of such port.

xxxv. That such overseers, guardians, or other persons as aforesaid shall cause the indenture of apprenticeship to be prepared and transmitted in triplicate; (that is to say,) two counterparts, besides the indenture, to the said registrar, if the owner of the ship to whom such apprentice is to be bound shall be or reside within the limits of the port of London, and if at any other port, to the collector or comptroller of the Customs at such port; and shall cause each such poor boy to be conducted and conveyed to such port or place by a constable or other trustworthy person, at the expense of the district, union, parish, township, or place; and when any such boy shall be so bound he shall be provided by the guardians of the said union or parish as aforesaid, or, in case the said parish or place shall not be included in any union or governed by a board of guardians, by the overseers, with a sufficient outfit of sea clothing, bedding, and similar necessities, to the value of 5*l.*, which said amount, together with the expenses to be incurred in the binding and conveyance of the said boy, shall be charged by such guardians or overseers respectively to the account of the parish or other place by whose overseers the said boy shall be bound, and be allowed to them in their account; and the said indentures so entered into by the overseers of any parish or other place as aforesaid may be sued upon in the name of the overseers of the poor of the said parish or other place for the time being, by their name of office; and no action commenced for the breach of any covenant therein contained, with the consent of the vestry of such parish or place, shall abate by reason of death or any change of overseers of such parish or place pending the same, but shall be proceeded in by the overseers for the time being, who shall be entitled to charge the whole amount of the costs incurred in such action, and not recovered from the defendant therein, upon the poor rates collected by them, though part of such costs shall have been incurred by their predecessors.

xxxvi. That such indentures shall be executed in the presence of and attested by the constable or other person who shall conduct or convey such apprentice; and such indentures shall bear date respectively on the days on which they are executed; and such constable or other person shall transmit one of the said counterparts, duly executed, to the overseers, guardians, or other persons aforesaid, one to the master, and another to the said registrar.

xxxvii. That the master or owner of every ship belonging to any subject of Her Majesty, and of the burden of eighty tons and upwards (except pleasure yachts), shall have on board at the time of her proceeding from any port of the United Kingdom, and at all times when absent from the United Kingdom, or navigating the seas, one apprentice, or more, in the following proportion to the number of tons of his ship's admeasurement, according to the certificate of registry; (that is to say,) for every ship of eighty tons and under two hundred tons, one apprentice at the least; for every ship of two hundred tons and under four hundred tons, two apprentices at the least; for every ship of four hundred tons and under five hundred tons, three apprentices at the least; for every ship of five hundred tons and under seven hundred tons, four apprentices at the least; and every ship of seven hundred tons and upwards, five apprentices at the least; all of whom, at the period of their being bound respectively, shall be subjects of Her Majesty, and above twelve and under seventeen years of age, and be duly bound for the term of four years at the least; and if any such master or owner shall neglect to have on board his ship the number of apprentices as hereby required, together with their respective registered indentures, assignments, and register tickets, he shall for every such offence forfeit and pay the sum of 10*l.* in respect of each apprentice, indenture, assignment, or register ticket so wanting or deficient.

xxxviii. That in case any indentures of apprenticeship of any description shall be cancelled, or any apprentice, parish or otherwise, shall die on shore or desert, or by reason of the vessel of the master not having made a voyage for six months shall not be reported in either of the said lists, such cancellation, death, desertion, or non-employment shall forthwith be notified in writing by the master of the apprentice to the said registrar, if the ship on board which the apprentice was bound to serve shall belong to the port of London, or otherwise to the collector or comptroller of the port to which the said ship shall belong; and for every default the said master shall be liable to a penalty of 10*l.*; and the collector or comptroller, if the notification be made to him, shall transmit the same to the said registrar within one week from the receipt thereof; and no cancelling of any indenture of apprenticeship of any description shall be valid or effectual without the mutual consent of the parties, or without the consent or in the absence of the registrar of seamen in London, or of the collector or comptroller of Customs of the port in which such cancellation shall take place, or, in case of bindings by the overseers, without the additional consent of the guardians of the union or parish whose consent was given to the said binding, to be testified by a copy of a minute of the board forwarded by the clerk to the said guardians.

xxxix. That the said registrar in London, and the collector and comptroller of the Customs at each other port, shall, in a book to be kept for that purpose, cause to be entered from time to time all such indentures and assignments of parish apprentices as aforesaid, specifying therein the dates thereof, the names and ages of the apprentices, the parishes or places from whence they are sent, the names and residences of their masters to whom they are bound or assigned, and the names, ports, and burden of the respective ships to which such masters belong, and shall make and subscribe on each indenture and assignment an indorsement, purporting that the same had been duly registered pursuant to this Act; and such registrar, collectors, and comptrollers respectively shall require the personal attendance of every such apprentice at the time of registering his indenture or assignment thereof; and every such collector and comptroller shall also, at the end of each week, transmit a list of the indentures and assignments and cancellations so registered by him within the week, containing all the particulars aforesaid, to the said registrar.

xl. That in every case of a person (other than such parish apprentice as aforesaid) binding himself apprentice to the sea service the indentures to be executed on such occasion shall be in duplicate, in the form set forth in Schedule (I.) to this Act annexed, and a counterpart shall be delivered to the said registrar, if the master shall be or reside within the port of London, or if at any other port, to the collector or comptroller of such port; and the indentures shall be registered in a book to be kept for that purpose by the said registrar, collectors, and comptrollers respectively, in which book shall be expressed the dates of the several indentures, the names and ages of the apprentices, the names and residence of their masters, and (if known) the names, port, and burden of the several ships on board which they are respectively to serve; and such registrar, collectors, and comptrollers respectively shall require the personal appearance of every such apprentice at the time of registering his indenture or the assignment thereof, and shall indorse and subscribe upon each indenture a certificate purporting that the

same hath been duly registered pursuant to this Act; and the said collectors and comptrollers shall also at the end of each week transmit a list of the indentures and assignments registered by them within the week, containing all the particulars aforesaid, together with the said counterparts, to the said registrar, for the purposes of this Act; and that it shall be lawful for the master of such apprentice, or in case of his death his executor or administrator, with the consent of the apprentice if of the age of seventeen years or upwards, and if under that age with the consent of his parent or guardian, to assign or transfer the indenture of any such apprentice to any other master or owner of any registered ship; and all such apprentices may during the term for which they shall be bound be employed in any ship of which the master for the time being of any such apprentice may be the master or owner: Provided always, that every such assignment shall be registered and indorsed by the said registrar, or by the collector or comptroller of the Customs at the port where the master shall be, or to which his ship shall belong; and the said collector or comptroller shall notify the same to the said registrar, and transmit an exact copy of the said indorsement to the said registrar.

XL. That no apprentice bound or assigned pursuant to this Act, nor any master or owner in respect of such apprentice, shall be liable to any payment or contribution to or towards any hospital or institution; and that all agreements, attested copies, indentures, assignments, counterparts, and tickets, made, signed, or executed in compliance with or under the provisions of this Act, shall be wholly exempt from stamp duty.

XLII. That if any master or owner to whom any apprentice to the sea service shall be bound or assigned shall neglect to deliver a counterpart, and cause the indenture or the assignment (as the case may be) to be registered as required by this Act, so far as depends on such master or owner, within ten days after the binding or assignment, every such master or owner shall for every such neglect forfeit and pay the sum of 10*l*.; and if any such master or the master of any ship shall, after the ship shall have proceeded on the voyage upon which such ship may be bound, permit any apprentice to quit his service or the service of the ship, except for the purpose of entering into Her Majesty's naval service, every such master shall for every such offence forfeit and pay the sum of 20*l*.

XLIII. That any Justice of the Peace residing at or near to any port to which any ship as aforesaid, having on board thereof any apprentice, shall at any time arrive, shall have full power and authority to inquire into and examine, hear and determine, all claims of apprentices upon their masters under their indentures, and all complaints of hard or ill usage exercised by their respective masters towards any such apprentices, or of misbehaviour on the part of any such apprentices, and to proceed thereupon as one or more Justice or Justices of the Peace is or are empowered by law to do in other cases between masters and apprentices; and if the master of any ship shall not send on shore, in the charge of the mate or other trustworthy person, any apprentice desirous of complaining to a Justice of the Peace, so soon as the service of the ship shall permit, he shall for every such default forfeit and pay the sum of 10*l*.

And after reciting that by an Act, 9 Geo. 4, for consolidating and amending the statutes in England relative to offences against the person, a summary jurisdiction is provided for the punishment of persons guilty of common assaults and batteries: And that it is expedient that the provisions of the last-mentioned Act should extend to similar offences committed on board ships belonging to subjects of Her Majesty:—

It is Enacted,

XLIV. That in the case of any assault or battery committed on board any ship belonging to any subject of Her Majesty, in any part of the world, it shall be lawful for any two Justices of the Peace in any part of Her Majesty's dominions, or the territories under the government of the East India Company, residing at or near any port or place at which the said ship may arrive or touch, upon complaint of the party aggrieved, to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two Justices are empowered to do in the cases of assaults and batteries in England; and the fine or forfeiture to be imposed in any such case shall be payable to the Seaman's Hospital Society: Provided always, that such complaint shall be made and prosecuted within three months after such alleged assault or battery, or within three months after the arrival of the ship at her final port of destination in the United Kingdom, or within three months after the respective parties shall be within the jurisdiction of such Justices as aforesaid.

XLV. That no apprentice to the sea service shall be at liberty to enter into the naval service of Her Majesty during the period of his apprenticeship without the consent of his master; but if, nevertheless, he shall voluntarily enter into such naval service of Her Majesty, and shall be allowed by his master to continue therein, such master, in case he shall give notice to the Secretary of the Admiralty of his consent to his apprentice remaining in Her Majesty's said service during the residue of the term of his apprenticeship, shall, upon the production of the indenture and assignment (if any), if duly registered, and having the register ticket attached, be entitled to receive to his own use any balance of wages and prize money that may become due and payable to any such apprentice until the expiration of his apprenticeship.

And after reciting that great mischiefs have arisen from masters of merchant ships leaving seamen in foreign parts, who have been thus reduced to distress, and thereby tempted to become pirates or otherwise misconduct themselves, and it is expedient to amend and enlarge the law in this behalf:—

It is Enacted,

XLVI. That if any master of a ship belonging to any subject of Her Majesty shall discharge any person belonging to his ship or crew at any of Her Majesty's colonies or plantations, without the previous sanction in writing (to be indorsed on the agreement) of the governor or other officer holding the chief authority there, or of the secretary or other officer duly appointed by the Government therein in that behalf, or in the absence of such functionaries then of the chief officer of Customs resident at or near such port or place, or shall discharge any such person at any other place abroad without the like previous sanction, or be so indorsed on the agreement by Her Majesty's minister, consul, or vice consul there, or in the absence of any such functionary then of two respectable merchants resident there, such master shall be guilty of a misdemeanour; or if any master of any such ship shall abandon or leave behind at any such colony or plantation any person belonging to his ship or crew, on

the plea or pretence of unfitness or inability to proceed upon the voyage; or of desertion or disappearance from the ship, without a previous certificate in writing (to be indorsed on the agreement) of the governor, secretary, or other officer as aforesaid, or in the absence of such functionary then of the chief officer of Customs resident at or near such port or place, certifying such unfitness, inability, desertion, or disappearance, or shall abandon or leave behind any person belonging to his ship or crew at any other place abroad, on shore or at sea, upon such plea or pretence, without the like previous certificate of Her Majesty's minister, consul or vice consul there, or in the absence of any such functionary then of two respectable merchants, if there be any such at or within a reasonable distance from the place where the ship shall then be, such master shall be guilty of a misdemeanour; or if any master of any such ship, in case any person belonging to his ship or crew shall desert from the said ship at any place abroad, shall neglect to notify the same in writing to one of such functionaries as aforesaid, if there be any such resident at or near the place, and in their absence, if it be out of Her Majesty's dominions, then to two respectable merchants, if there be such at or near the place, within twenty-four hours of such desertion, such master shall be guilty of a misdemeanour; and the said functionaries are hereby authorized and required, and the said merchants are authorized, to examine into the grounds of such proposed discharge, or into the plea or pretence of such unfitness, inability, desertion, or disappearance as aforesaid, in a summary way, upon oath (which oath they are hereby respectively authorized to administer), and to grant or refuse such sanction or certificate according to the circumstances, and as it shall appear to them to be just.

XLVII. That if the master of any ship belonging to any of Her Majesty's subjects, or the mate or other officer of such ship shall wrongfully force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in or out of Her Majesty's dominions, any person belonging to his ship or crew, before the completion of the voyage for which such person was engaged, or the return of the ship to the United Kingdom, such master, mate, or other officer shall be guilty of a misdemeanour; and every misdemeanour mentioned or created by this Act shall and may be prosecuted by information at the suit of Her Majesty's Attorney General, or by indictment or other legal proceeding in any court having criminal jurisdiction in Her Majesty's dominions at home or abroad; and the offence may be laid and charged in the indictment, information, or other legal proceeding to have been committed in the county or place where the offender shall happen to be, who, being convicted thereof, shall be liable to fine or imprisonment, or both, as to the Court before whom he is tried shall seem meet; and every Court is hereby authorized to issue a commission or commissions for the examination of any witness or witnesses who may be absent or out of the jurisdiction of the Court; and at the trial the depositions taken under such commission or commissions, if such witness or witnesses shall be then absent, shall be received in evidence.

XLVIII. That if any master shall, contrary to the provisions of this Act, discharge, abandon, or leave behind any seaman or other person belonging to the ship or crew, with or without his consent, it shall be incumbent on such master, in any information, indictment, or other proceeding against him, to produce or prove such sanction or respective certificate as aforesaid, or prove the impracticability of obtaining such certificate.

XLIX. That every such master who shall leave any seaman or other person as aforesaid on shore at any such colony or plantation or place abroad, under a certificate of his not being in a condition to proceed on the voyage, shall deliver to one of the said functionaries, or if there be none such to any two respectable merchants there, or if there be but one then to such one merchant, a just and true account of the wages due to such person, and pay the same either in money or by a bill drawn upon the owner; and if by bill, then such functionaries or merchants are respectively authorized and required, by indorsement on such bill, to certify that the same is drawn for money due on account of seamen's wages, or to that effect; and any master who shall refuse or neglect to deliver a just and true account of such wages, or to pay the amount thereof in money or by bill as aforesaid, shall for every such offence or default forfeit and pay the sum of 10*l*., and every master who shall deliver a false account of such wages shall for every such offence forfeit and pay the sum of 20*l*.

L. Provided and enacted, That nothing in this Act or in any agreement contained shall prevent any seaman or person belonging to any ship or vessel whatever from entering or being received into the naval service of Her Majesty, nor shall any such entry be deemed a desertion from the ship or vessel, nor shall such seaman or other person thereby incur any penalty or forfeiture whatever, either of wages, clothes, or effects, or other matter or thing; and no master or owner shall insert or introduce, or permit to be inserted or introduced, into any articles or agreement, any clause, engagement, or stipulation whereby any seaman or other person shall or may incur any forfeiture or be exposed to loss in case he shall enter into Her Majesty's naval service; and if inserted, the clause, engagement, or stipulation shall be void, and the offender shall thereby incur a penalty of 20*l*.

LI. That when any seaman shall quit any such ship or vessel as aforesaid, in order to enter into Her Majesty's naval service, and shall thereupon be actually received into such service, not having previously committed any act amounting to and treated by the master as desertion, he shall be entitled immediately upon such entry to have his register ticket and all his clothes and effects on board such ship or vessel delivered to him, and to receive from the master the proportionate amount of his wages up to the period of such entry, to be paid either in money or by a bill on the owner; all which register ticket, clothes, effects, money, or bill such master is hereby required to deliver and pay to him accordingly, under a penalty of 20*l*. for any refusal or neglect, to be recovered with full costs of suit by such seaman; but in case the master shall have no means of ascertaining the balance, he shall make out and deliver to such seaman a certificate of the period of his service, and the rate of wages he is entitled to, producing at the same time to the commanding or other officer of Her Majesty's vessel the agreement with the seaman; and every such master, upon the delivery of such register ticket, clothes, and effects, and the settlement of such wages in manner herein mentioned, shall receive from the officer in command of the vessel into which the seaman shall have entered a certificate of such entry, indorsed on the agreement, and signed by the said officer, which such officer is hereby required to give.

LII. That if any person shall be discharged, or wilfully and wrongfully left behind or abandoned, at any place beyond seas, in or out of Her Majesty's dominions, by any master, mate, or other officer, contrary to the provisions of this Act, and shall

become distressed, and be relieved under the provisions of an Act, 11 Geo. 4, for amending and consolidating the laws relating to the pay of the royal navy, or any Act hereafter to be passed for that purpose, or if any person shall, as principal or agent, engage any subject of Her Majesty to serve in any vessel belonging to any foreign power, or to the subject of any foreign state, and such last-mentioned person shall become distressed and be relieved as aforesaid, then, in addition to the wages due from such master or owner or person making such engagement, and the penalties to which such master may be liable, Her Majesty shall be entitled to sue such master or the owner of the ship, or any person who shall have made such engagement as aforesaid, at the discretion of the Commissioners for executing the office of Lord High Admiral of the United Kingdom, for all the charges and expenses which shall have been incurred in or for the subsistence, necessary clothing, and conveyance home or burial (should he die abroad or before reaching home) of any such seaman or person relieved as aforesaid, as money paid to the use of such master or owner or other person, who shall have made such engagement as aforesaid, and recover the same, together with full costs of the suit, in the same manner as other debts due to Her Majesty are recoverable; and in any proceeding for that purpose proof of the account furnished to the said Commissioners by any such functionaries, or by such two merchants, or one merchant, according to the case, as provided by the said Act, 11 Geo. 4, shall, together with the proof of payment by the said Commissioners, or by the paymaster general, of the charges incurred on account of any such person, be sufficient evidence that such person was relieved and conveyed home or buried at Her Majesty's expense; and the court in which any proceeding for the recovery of the said money shall be instituted is hereby authorized to issue a commission or commissions for the examination of witnesses, and the depositions taken under such commission or commissions shall be used as evidence.

LIII. That if any ship belonging to a subject of Her Majesty (except packets for passengers in the course of their voyage) shall arrive at any foreign port where there shall be a British consul or vice consul, or at any port in a British colony, and remain thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver or cause to be delivered to such consul or vice consul at such foreign port, or to the collector or comptroller of the Customs at such port of a British colony, the agreement or agreements before mentioned, together with an account at the foot of such agreement of all apprentices on board, setting forth their christian and surnames at full length, the dates of the registry of their indentures and assignments respectively, and the ports at which and the time when they were registered, and also all indentures and assignments of apprenticeships, and the register tickets of all the crew who shall be subjects of Her Majesty, the whole to be kept by such consul or vice consul, collector or comptroller, as the case may be, during the ship's stay in such port, and (excepting the register tickets of deserters, which are to be transmitted by such functionaries to the registrar of seamen,) to be returned to the master a reasonable time before his departure, with a certificate indorsed on such agreements respectively, stating when the same were respectively delivered and returned, without any fee or charge being made for the same; and in case it shall appear that the required number of apprentices are not on board, or that the required forms or existing laws have been in any respect neglected or transgressed, such consul or vice consul, collector or comptroller, shall make an indorsement to that effect on such agreement, and forthwith transmit a copy of such indorsement, with the fullest information he can collect regarding such neglect or transgression, to the said registrar; and if any master shall neglect to deliver any agreement, indenture, assignment, or register ticket, or such account as aforesaid, he shall for every such neglect or default forfeit and pay the sum of 20*l.*; or if any master shall deliver any false or incorrect account, he shall for every such offence forfeit and pay the sum of 30*l.*

LIV. That no seaman shall be shipped at any such foreign port by any such master, except with the sanction of such consul or vice consul, to be indorsed or certified on the agreement, under a penalty of 20*l.*, to be forfeited by the master for every seaman so shipped.

LV. That the master of every ship belonging to any subject of Her Majesty shall and he is hereby required to produce and shew the log book, muster roll of the ship, and the agreement or agreements with his crew, their register tickets, and the indentures of his apprentices, and the assignments thereof, and a list of all the passengers and persons on board, to the captain, commander, or other commissioned officer of any of Her Majesty's ships or vessels requiring the production and sight thereof; and that it shall be lawful for any such officer in Her Majesty's naval service to muster the crew (including apprentices) of any ship belonging to any such subject, in order to be satisfied that the provisions of this Act, and every other Act by which the crews of such ships as aforesaid are regulated, and the laws relating to navigation, have been duly kept and complied with; and if any master shall, upon being required so to do by any such officer, neglect or refuse to produce such log book, muster roll, or agreement, register tickets, indentures, and assignments, and lists of passengers and persons, or any of them, or shall obstruct any officer in the execution of his duty in mustering the said crew, or shall produce any false log book, muster roll, or list, he shall for every such offence forfeit and pay the sum of 20*l.*

LVI. That for the better carrying into effect the purposes of this Act it shall be lawful for Her Majesty's consuls and vice consuls in foreign ports, and for the said registrar and his assistant, and also for the respective chief officers of the Customs at the several ports of the United Kingdom and of the British possessions abroad, to demand from the master of every ship belonging to a subject of Her Majesty the production of the log book, muster roll of the ship, and such agreements, register tickets, indentures, and assignments as aforesaid, and a list of passengers and persons on board, and to muster the crew (including apprentices) of such ship, and to summon the master to appear before them, and give any explanation they may respectively require regarding the said crew, ship, or documents, for the purpose of ascertaining whether the provisions of this Act, and every other Act by which the crews of such ships as aforesaid are regulated, and the laws relating to navigation, have been kept and complied with, and to take copies of all or any of such documents; and if any such master, on such demand being made, shall refuse to produce such log book, muster roll, agreements, register tickets, indentures, and assignments, and list of passengers and persons, or refuse to allow copies to be taken, or shall refuse to permit his crew to be so mustered, or shall refuse to appear and give such explanation as aforesaid, or shall wilfully deceive or mislead the person before whom he shall so appear, he shall for every such neglect, refusal, or offence forfeit and pay the sum of 20*l.*

LVII. That it shall and may be lawful for any consul or vice-consul of Her Majesty, and for any collector or comptroller of the Customs, upon complaint made by any three or more of the crew, to survey and examine, or cause to be surveyed and

examined, the provisions, water, and medicines put or supplied on board any ship for the use and consumption of the crew; and if on such survey and examination it shall be found that such provisions, water, or medicines are of a bad quality, or unfit for use, or not appropriate, or there shall not appear to be a sufficient quantity thereof, the surveying officer shall signify the same in writing to the master of the ship; and if such master shall not thereupon provide other fit and proper provisions, water, or medicines in lieu of any which may be signified by the said surveying officer to be of a bad quality, or unfit for use, or not appropriate, or if any such master shall not thereupon procure the requisite quantity of provisions, water, and medicines, or shall use any provisions, water, or medicines which shall have been signified by the surveying officer to be of a bad quality, or unfit for use, or not appropriate, he shall in each and every of such cases be guilty of a misdemeanour.

LVIII. That all offences against the property or person of any subject of Her Majesty, or of any foreigner, which shall be committed in or at any port or place, either ashore or afloat, out of the dominions of Her Majesty, by the master and crew (including apprentices), or any or either of them, belonging to any ship subject to any of the provisions of this Act, or who within three months before the committal of the offence shall have been the master thereof, or shall have formed part of any such crew, shall be and they are hereby declared to be offences of the same nature respectively, and to be liable to the same punishments respectively, as if they had been committed on the high seas and other places within the jurisdiction of the Admiralty of England, and shall be inquired of, heard, tried, and determined and adjudged in the same manner as if such offences had been committed within such jurisdiction; and when any trial for such offences or for any misdemeanour against the provisions of this Act, shall take place before any Justices or Judges of oyer and terminer and gaol delivery, it shall be lawful for the Court to order and direct the payment of the costs and expenses of the prosecution, as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

LIX. That whenever any complaint shall be made to any of Her Majesty's consuls or vice consuls of any such offence or of any offence having been committed at sea by the master and crew (including apprentices), or any or either of them, belonging to any ship subject to any of the provisions of this Act, it shall be lawful for any such consul or vice consul to inquire into the case upon oath, and at his discretion to cause any offender to be placed under all necessary restraint, so far as it may be in his power, so that he may be sent and conveyed in safe custody to England as soon as practicable, in any vessel of Her Majesty, or of any of her subjects, to be there proceeded against according to law; and the costs and charges of imprisoning any such offender, and of conveying him and the witnesses to England, if not conveyed in the ship to which they respectively belong, shall be considered and deemed as part of the costs of the prosecution, or be paid as costs incurred on account of seafaring subjects of the United Kingdom left in distress in foreign parts; and all depositions taken before any consul or vice consul abroad, and certified under his official seal to be the depositions, and that they were taken in the presence of the party accused, shall be admitted in evidence in all courts having criminal jurisdiction, and otherwise, in like manner as depositions taken before any Justice of the Peace in England now are or may be; and the register ticket of every offender shall be delivered up to Her Majesty's consul or vice consul, as the case may be, and be transmitted by him to the registrar of seamen.

LX. That it shall be lawful for any consul or vice consul to order a passage to England for any such offender or offenders under necessary restraint, and also for the witnesses; and the master or other person having the charge of any ship or vessel belonging to any subject of Her Majesty bound for England shall and he is hereby required to receive and afford a passage and subsistence during the voyage to any such offender or offenders and witnesses, not exceeding the rate of one offender or two witnesses for every one hundred tons of his ship's burden; and on his ship's arrival in England the master of any vessel belonging to a subject of Her Majesty shall take or cause to be taken the offender or offenders before a Justice of the Peace, who shall deal with the matter as in cases of offences committed upon the high seas; and in case the master or other person having the charge of any ship or vessel belonging to any subject of Her Majesty, when required by the consul or vice consul to receive and afford a passage to any offender or witness, shall not receive and afford such passage, or shall not take or cause to be taken the offender or offenders before a Justice of the Peace as aforesaid, every such master shall be liable to a penalty of 50*l.*; and the seaman, if acquitted, shall receive his register ticket again upon due application to the registrar of seamen.

LXI. That this Act shall not extend or apply to any ship registered in or belonging to any British colony having a legislative assembly, or to the crew of any such ship, while such ship shall be within the precincts of such colony; but every ship belonging to any colony or possession of Her Majesty, when proceeding from one part of the United Kingdom to another, or from the United Kingdom to the islands of Jersey, Guernsey, Alderney, Sark, or Man, or from any port in the United Kingdom to any port or possession of any foreign power or country, or to any colony to which the ship shall not belong, shall be held to come within the provisions of this Act; and this Act is hereby extended to the same; and the owner, master, and crew, including apprentices, of such ship so trading as aforesaid, shall be and are hereby declared liable to the provisions of this Act as fully as the owner, master, and crew of any British registered ship; and this Act and the provisions thereof (except so far as the same relate to agreements, register tickets, and having apprentices,) shall also extend and apply to ships belonging to all Her Majesty's colonies and possessions abroad, wherever otherwise proceeding or trading, and to the owners, masters, and crews of such ships, when any such ship shall be beyond the precincts of the colony or possession to which she shall belong; and all certificates and sanctions required by this Act to be indorsed on agreements shall, in the case of ships last referred to, be otherwise given in writing where no written agreement exists.

LXII. That all penalties and forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs, either in any of Her Majesty's courts of record at Westminster, Edinburgh, or Dublin, or in the colonies or territories under the government of the East India Company, at the suit of Her Majesty's law officers respectively, or at the suit of any person, by information and summary proceeding before any Justice or Justices of the Peace in and for any part of Her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where the offence shall be committed or the offender shall be; and if proceedings for the recovery of any forfeiture or penalty imposed by this Act, or for the recovery of any debt due to Her Majesty, be commenced in any of Her Majesty's courts, the court in which such proceedings shall be instituted is hereby authorized to issue a commission or commissions in or out of Her Majesty's dominions for the examination of witnesses, and the depositions taken thereunder

shall be used and admitted in evidence; and in case of a summary conviction under this Act, and the sum imposed as a penalty by the Justice or Justices shall not be paid, either immediately after the conviction or within such period as the Justice or Justices shall at the time of the conviction appoint, it shall be lawful for the convicting Justice or Justices to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice or Justices for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Act, for which no specific application is hereinbefore provided, shall, when recovered, be paid and applied in manner following; (that is to say,) so much thereof as the Court or the convicting Justice or Justices shall determine, but not exceeding one moiety, shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue shall be paid to the Seamen's Hospital Society: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any proceedings shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty as to such Court or Justices respectively shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount; and it shall be lawful, in the discretion of the said Court, or of the said Justice or Justices hearing the complaint, to order such costs against the informing or complaining party failing to prove the charge as the said Court or Justice or Justices may deem fit, and such costs shall be recoverable in the same manner as penalties under this Act, and be paid as such Court or Justice or Justices shall direct: Provided also, that all proceedings so to be instituted shall be commenced within two years next after the commission of the offence, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two calendar months after the return of the offender and the complaining party to the United Kingdom.

And to avoid doubts in the construction of this Act,—

It is Enacted,

LXIII. That every person having the charge or command of any ship belonging to any subject of Her Majesty shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a seaman within the meaning and for the purposes of this Act; and that the term "Ship" shall be taken and understood to comprehend every description of vessel navigating on any sea or channel, or waters outside the mouths of rivers, and also every vessel passing beyond the precincts of a port; and that the term "Owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the ship shall belong.

LXIV. That if any person, being a Malay, Lascar, or native of the territories under the government of the East India Company, or if any Asiatic or African seaman, having been brought to the United Kingdom on board any ship, shall be found or be in the United Kingdom in distress for want of food, clothing, or other necessities, it shall and may be lawful for the Commissioners for executing the office of Lord High Admiral of the United Kingdom, at their discretion, to supply necessary and reasonable relief to every such person and seaman, and to maintain him until he shall be sent on board some ship for the purpose of being conveyed to or near to the port from which he was shipped, and also to pay, defray, and advance the money necessary to procure every such person and seaman a proper and sufficient passage to such port; and all such sum or sums of money as shall be paid and advanced by or by order of the said Commissioners for or on account of such relief, maintenance, and passage shall be and become a debt due to Her Majesty, and be recoverable as such, with full costs of suit, in the courts of law either in Her Majesty's dominions or in the territories under the government of the East India Company, from the owner and master, or either of them, of the ship on board whereof such person or seaman shall have been brought from Asia or Africa; but nothing herein contained shall repeal or annul any other Act or Acts now in force for the relief and conveyance home of any Asiatic or African person or seaman.

LXV. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

AN AGREEMENT made pursuant to the Directions of an Act of Parliament passed in the Year of the Reign of
between the Master of the Ship of the Port of and of the
Burden of Tons, and the several Persons whose Names are subscribed hereto.

It is agreed by and on the Part of the said Persons, and they severally hereby engage to serve on board the said Ship in the several Capacities against their respective Names expressed on a Voyage from the Port of to *[here the intended Voyage is to be described as nearly as can be done, and the Places at which it is intended the Ship shall touch, or, if that cannot be done, the Nature of the Voyage in which she is to be employed]*; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all times diligent to their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in everything relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore *[here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act]*; in consideration of which Services, to be duly, honestly, carefully, and faith-

[illegible][illegible]

SCHEDULE (D.)

AN ACCOUNT of the Voyages in which the Ship _____ of the Burden of _____ Tons has been engaged, in the Half Year commencing on the _____ Day of _____ 18____, and ending on the _____ Day of _____ 18____, and of all the Persons (Master and Apprentices included) who have belonged to such Ship during that Period.

ACCOUNT OF THE VOYAGES.

[Here the several Voyages, and the Periods of such Voyages, are to be described.]

ACCOUNT OF THE CREW.

No. and Date of Ship's Register.	Name. Christian and Surname at full Length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices' Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.

Note.—If any one of the Crew shall have entered Her Majesty's Service, the Name of the Queen's Ship in which he entered must be stated in this Account, under the head of "How disposed of."

Note.—This Account, when filled up, is to be signed by the Owner or Master of every Ship, of whatever Tonnage, and deposited with the Collector or Comptroller of the Customs of any Port in the United Kingdom within Twenty-one Days after the Thirtieth of June and the Thirty-first of December in every Year.

SCHEDULE (E.)

THIS is to certify, That _____ whose Register Ticket is numbered _____ served as _____ on board the _____ of the Port of _____ of the Burden of _____ Tons, from the _____ Day of _____ to the _____ Day of _____ and that he was discharged from the said Ship on _____ Day of _____ 184____.

Dated this _____ Day of _____ 184____.

Master.

SCHEDULE (F.)

1. What is your Christian and Surname?
2. Have you or have you not been registered before?
3. Where were you born, and when?
4. When did you first go to Sea?
5. In what Capacity did you go, and in what Capacity have you since served?
6. Have you or have you not served in the Royal Navy?
7. If you have, how long? and in what Ships? and in what Capacity?
8. Have you or have you not been in Foreign Service?
9. If you have, how long? and in what Capacity? and under what Flag?
10. How have you been generally employed at Sea?
11. Where is your usual Place of Residence when unemployed?

SCHEDULE (G.)

NAMES, and distinguishing Numbers of the Register Tickets, of the Crew (including Apprentices) now serving on board the of the Burden of Tons, on taking Departure from the Port of in the United Kingdom, bound on a Voyage to

No. and Date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this

Day of

184 .

Master.

Particulars to be clearly and legibly set forth.

SCHEDULE (H.)

Form of Parish Apprentice's Indenture.

THIS Indenture, made the Day of in the Year of our Lord One thousand eight hundred and witnesseth, That in the Division of Overseers of the Poor of the [Parish] of (*) of acting in and for the said Division in which the said [Parish or Union] is situate, do by this Indenture, duly executed by the said Justices in testimony of their having been satisfied that the Boy hereby and hereafter bound and named, hath attained the Age hereinafter mentioned, and is of sufficient Health and Strength as required by the Statute in such Case made and provided, bind, put out, and place, with his own free Will and Consent, and not otherwise, a poor Boy of the said [Parish or Union], aged Years, as appears by the Copy of the Entry of his Baptism in the Register Book of the Parish of in the County of hereunto annexed (b) who is now [and whose Parents and] are now chargeable to and maintained by the said [Parish] of Apprentice in the Sea Service to one of Her Majesty's Subjects of the [Parish] of in the County of being the Master (c) of the Ship called registered in the Port of being a Port of the United Kingdom of Great Britain and Ireland, with him the said his Executors and Administrators, and the Assign or Assigns of the Widow or of the Executors and Administrators of the said to dwell, remain, and serve from the Day of the Date of these Presents for so long Time and until the said Apprentice shall attain the Age of Twenty-one Years; during all which term the said Apprentice, his said Master, his Executors and Administrators, or the Assign or Assigns of the Widow or of the Executors or Administrators of the said shall well and faithfully serve; his and their Secrets keep; his and their lawful Commands everywhere gladly do and execute; Hurt or Damage to his said Master, his Executors or Administrators, or the said Assign or Assigns, he shall not do, consent or see to be done by others, but to the utmost of his Power shall hinder the same, and forthwith his said Master, his Executors or Administrators, or the said Assign or Assigns, thereof warn; Taverns or Alehouses he shall not frequent; at Dice, Cards, Tables, Bowls, or any other unlawful Games he shall not play; the Goods of his said Master, his Executors or Administrators, or the said Assign or Assigns, he shall not embezzle or waste, or lend or give to any Person or Persons without his or their Licence; nor from the Service of his said Master, his Executors or Administrators, or the said Assign or Assigns, without his or their Consent, at any Time absent himself; but as a true and faithful Apprentice in all lawful Businesses, according to his Power, Wit, and Ability, and honestly, orderly, and obediently in all Things, shall demean and behave himself toward his said Master, his Executors or Administrators, or the said Assign or Assigns, during the said Term; and true and just Accounts of his or their Goods, Chattels, and Money committed to his Charge, or which shall come to his Hands, faithfully he shall give at all Times, when thereunto required by him or them; and shall also render an Account of, and well and truly pay or cause to be paid to him or them, all such Wages, Prize Money, and other Sum or Sums of Money as shall become due and payable unto him the said Apprentice from Her Majesty, Her Heirs, Successors, or any other Person, in case he shall enter or go into Her Majesty's Service during the said Term. In consideration whereof, and of the Sum of lawful Money of the United Kingdom of Great Britain and Ireland to him in hand well and truly paid at the Execution of these Presents (the Receipt whereof the said doth hereby acknowledge), he the said for himself, his Executors or Administrators, doth hereby covenant, promise, and agree to and with the said Overseers of the Poor, and his Successors, that he the said his Executors or Administrators, and the Assign or Assigns of his Widow or

(*) Or it may be made by other Persons having the Authority of Overseers or Guardians, or in whom the Duty of Overseers or Guardians of the Poor shall be vested.

(b) The Copy must be given and attested by the officiating Minister, without Fee or Reward. If it cannot be found, erase the Words from "by the" to "annexed," and insert "from such Information of such Boy's Age as the said Justices have been able to obtain, as the Entry of his Baptism cannot be found." The Apprentice must be above Twelve and under Seventeen Years of Age, and bound for Four Years at the least.

(c) Or Owner.

of his Executors or Administrators, the said Apprentice in the Art, Trade, or Business of a Mariner or Seaman, with the circumstances thereunto belonging, shall and will, until he shall attain the Age of Twenty-one Years, teach, learn, and instruct, or cause to be taught, learned, and instructed, in the best Way and Manner that he or they can; and shall and will find, provide and allow unto the said Apprentice competent and sufficient Meat and Drink, Apparel, Lodging, Washing, Medicine, Medical and Surgical Aid and Advice, and all other Things necessary and fit for an Apprentice.

And also shall and will so provide for the said Apprentice that he be not any way a Charge to the said [Parish or Union] of or Parishioners thereof; but of and from all Charge shall and will save the [Parish or Union] of and Parishioners thereof harmless and indemnified during the said Term. In witness whereof the said Justices, and other Parties abovesaid to the present Indenture, interchangeably have set their Hands and Seals the Day and Year first above written.

Signed, sealed, and delivered }
in the Presence of

We, the Guardians of the Poor of the [*]
our Consent to the binding of the said
affixed, at a Meeting of the Board this

Union, within which the said Parish is included] do hereby testify
to the said and have hereunto caused our official Seal to be
Day of

(Signed)

(Seal of
the Board of
Guardians)

Presiding Chairman.

Clerk to the said Guardians.

SCHEDULE (I.)

Form of Apprentice's Indenture.

THIS Indenture, made the Day of in the Year of the Reign of Her Majesty Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and in the Year of our Lord One thousand eight hundred and between aged Years, a Native of in the County of of the one Part, and of in the County of of the other Part, witnesseth, That the said hath of his free Will put and bound himself Apprentice unto the said with him, his Executors, Administrators, and Assigns, after the Manner of an Apprentice to dwell, remain, and serve from the Day of the Date hereof for and during and until the full End and Term of Years from thence next ensuing fully to be complete and ended; during all which Term the said Apprentice his said Master shall well and faithfully serve; his Secrets keep; his lawful Commands everywhere do and execute; Hurt or Damage to his said Master he shall not do, consent or see to be done by others, but to the utmost of his Power shall hinder the same, and forthwith his said Master thereof warn; Taverns or Alehouses he shall not frequent (unless about his said Master's Business); at Dice, Cards, Tables, Bowls, or any other unlawful Games he shall not play; the Goods of his said Master he shall not embezzle or waste, or lend or give to any Person or Persons without his said Master's Licence; nor from the Service of his said Master, without his Consent, at any Time absent himself; but as a true and faithful Apprentice shall demean and behave himself towards his said Master, his Executors, Administrators, or Assigns, during the said Term; and true and just Accounts of his said Master's Goods, Chattels, and Money committed to his Charge, or which shall come to his Hands, faithfully he shall give at all Times, when thereunto required by his said Master, his Executors, Administrators, or Assigns, and shall also render an Account of, and well and truly pay or cause to be paid unto his said Master, his Executors, Administrators or Assigns, all such Wages, Prize Money, and other Sum or Sums of Money as shall become due and payable unto him from Her Majesty, Her Heirs, Successors, or any other Person, in case he shall be impressed, enter, or go into Her Majesty's Service during the said Term. In consideration whereof the said doth hereby covenant and agree to and with the said the Apprentice, that he the said his Executors, Administrators, or Assigns, during the said Term of Years, shall and will teach, learn, and inform the said Apprentice, or cause him to be taught, learned, and informed, in the Art, Trade, or Business of a Mariner or Seaman, with the Circumstances thereunto belonging; and shall and will find and provide for the said Apprentice sufficient Meat, Drink, Washing, Lodging, Medicine, and Medical and Surgical Aid and Advice to pay unto the said Apprentice the Sum of Pounds of lawful Money of Great Britain, in manner following; (that is to say,) The said finding and providing to and for himself all Manner of Sea Bedding, Wearing Apparel, and other Necessaries (except Meat, Drink, Lodging, Washing, Medicine, and Medical and Surgical Aid and Advice): And it is hereby agreed between the said Parties, that the said shall and may from Time to Time during the said Term deduct and retain in his Hands, out of the several yearly Payments above mentioned, all such Sum or Sums of Money as he shall at any Time during the said Term disburse or lay out in the buying of any Apparel or Sea Bedding for the said Apprentice, as Need shall require: And for the true Performance of all and singular the Covenants and Agreements aforesaid, each of them the said and doth hereby bind and oblige himself, his Heirs, Executors and Administrators, unto the other of them, his Executors and Administrators, firmly by these Presents, in the Penal Sum of Pounds of lawful Money of Great Britain.

In witness whereof the said Parties to these Presents have hereunto set their Hands and Seals the Day and Year above written.

Signed, sealed, and delivered }
in the Presence of us

* If the Parish be not in Union, omit the Words within Brackets.

CAP. CXIII.

AN ACT to regulate Joint Stock Banks in *England*.

(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *No joint stock bank established after 6th of May last to carry on business unless by virtue of letters patent granted according to this Act: but companies previously established not restrained from carrying on business until letters patent have been granted.*
2. *Company to petition for charter.*
3. *Charter to be granted on report of Board of Trade.*
4. *Deed of settlement.*
5. *No company to commence business till deed executed and all the shares subscribed for, and at least half the amount paid up.*
6. *Company to be incorporated.*
7. *Incorporation not to limit the liability of the shareholders.*
8. *Actions by or against shareholders.*
9. *Decree or judgment to be enforced against company and shareholders.*
10. *Execution against company to precede execution against present or former shareholders.—Extent of liability of former shareholders.*
11. *Reimbursement of individual shareholders.*
12. *Individuals paying under execution to recover against the company.*
13. *How such execution is to be had.*
14. *Contribution to be recovered from other shareholders.*
15. *Further remedy in case of bankruptcy, &c. of company's shareholders.*
16. *Memorial to be registered.*
17. *Memorials of occasional changes.*
18. *Form of memorials.*
19. *Evidence of memorials.*
20. *Commissioners of Stamps to give certified copies on payment of 10s.*
21. *Existing liabilities to continue till new memorials.*
22. *Bills and notes to be signed by one director or manager.—Manager not personally liable.*
23. *Transfers of shares to be registered, &c.*
24. *Transfer not to be made until all calls paid.*
25. *Closing of transfer books.*
26. *Transmission of shares by other means than transfer to be authenticated by a declaration.*
27. *Proof of transmission by marriage, will, &c.*
28. *Notices to joint proprietors of shares.*
29. *Receipts for money payable to minors, &c.*
30. *Company not bound to regard trusts.*
31. *Power to make calls.*
32. *Interest on calls unpaid.*
33. *Enforcement of calls by action.*
34. *Declaration in action for calls.*
35. *Matter to be proved in action for calls.*
36. *Proof of proprietorship.*
37. *Forfeiture of shares for non-payment of calls.*
38. *Notice of forfeiture to be given before declaration thereof.*
39. *Forfeiture to be confirmed by a general meeting.—Sale of forfeited shares.*
40. *Evidence as to forfeiture of shares.*
41. *No more shares to be sold than sufficient for payment of calls.*
42. *On payment of calls, forfeited shares to revert.*
43. *Service of notice on the company.*
44. *Existing companies may continue their trades until twelve months after the passing of this Act.*
45. *Existing companies may be brought under this Act.*
46. *Agreements entered into with companies after their incorporation to be enforced as if made before incorporation.*
47. *Existing companies to have the powers of suing and being sued.*
48. *Banking companies to be deemed trading companies.*
49. *Interpretation of Act.*
50. *Act may be amended.*

By this ACT,

After reciting that the laws in force for the regulation of copartnerships of bankers in England need to be amended;—

It is Enacted,

1. That it shall not be lawful for any company of more than six persons to carry on the trade or business of bankers in England, after the passing of this Act, under any agreement or covenant of copartnership made or entered into on or after

the 6th of May last past, unless by virtue of letters patent to be granted by Her Majesty according to the provisions of this Act; but nothing herein contained shall be construed to restrain any such company established before the said 6th of May, for the purpose of carrying on the said trade or business of bankers in England, from continuing to carry on the same trade and business as legally as they might have done before the passing of this Act, until letters patent shall have been granted to them severally on their application, as hereinafter provided, to be made subject to the provisions of this Act.

II. That before beginning to exercise the said trade or business every such company shall present a petition to Her Majesty in Council, praying that Her Majesty will be graciously pleased to grant to them letters patent under this Act; and every such petition shall be signed by seven at least of the said company, and shall set forth the following particulars; (that is to say,)

First, The names and additions of all the partners of the company, and the name of the street, square, or other place where each of the said partners reside:

Second, The proposed name of the bank:

Third, The name of the street, square, or other local description of the place or places where the business of the bank is to be carried on:

Fourth, The proposed amount of the capital stock, not being in any case less than 100,000*l.*, and the means by which it is to be raised:

Fifth, The amount of capital stock then paid up, and where and how invested:

Sixth, The proposed number of shares in the business:

Seventh, The amount of each share, not being less than 100*l.* each.

III. That every such petition shall be referred by Her Majesty to the Committee of Privy Council for Trade and Plantations, and so soon as the Lords of the said Committee shall have reported to Her Majesty that the provisions of this Act have been complied with on the part of the said company, it shall thereupon be lawful for Her Majesty, if Her Majesty shall so think fit, with the advice of her Privy Council, to grant the said letters patent.

IV. That the deed of partnership of every such banking company shall be prepared according to a form to be approved by the Lords of the said Committee, and shall, in addition to any other provisions which may be contained therein, contain specific provisions for the following purposes; (that is to say,)

First, For holding ordinary general meetings of the company once at least in every year, at an appointed time and place:

Second, For holding extraordinary general meetings of the company, upon the requisition of nine shareholders or more, having in the whole at least twenty-one shares in the partnership business:

Third, For the management of the affairs of the company, and the election and qualification of the directors:

Fourth, For the retirement of at least one fourth of the directors yearly, and for preventing the re-election of the retiring directors for at least twelve calendar months:

Fifth, For preventing the company from purchasing any shares or making advances of money, or securities for money, to any person on the security of a share or shares in the partnership business:

Sixth, For the publication of the assets and liabilities of the company once at least in every calendar month:

Seventh, For the yearly audit of the accounts of the company by two or more auditors chosen at a general meeting of the shareholders, and not being directors at the time:

Eighth, For the yearly communication of the auditors' report, and of a balance sheet, and profit and loss account, to every shareholder:

Ninth, For the appointment of a manager or other officer to perform the duties of manager:

And such deed, executed by the holders of at least one half of the shares in the said business, on which not less than 10*l.* on each such share of 100*l.*, and in proportion for every share of larger amount, shall have been then paid up, shall be annexed to the petition; and the provisions of such deed, with such others as to Her Majesty shall seem fit, shall be set forth in the letters patent.

V. Provided and enacted, That it shall not be lawful for any such company to commence business until all the shares shall have been subscribed for, and until the deed of partnership shall have been executed, personally or by some person duly authorized by warrant of attorney to execute the same on behalf of such holder or holders, by the holders of all the shares in the said business, and until a sum of not less than one half of the amount of each share shall have been paid up in respect of each such share; and it shall not be lawful for the company to repay any part of the sum so paid up without leave of the Lords of the said Committee.

VI. That it shall be lawful for Her Majesty in and by such letters patent to grant that the persons by whom the said deed of partnership shall have been executed, and all other persons who shall thereafter become shareholders in the said banking business, their executors, administrators, successors, and assigns respectively, shall be one body politic and corporate, by such name as shall be given to them in and by the said letters patent, for the purpose of carrying on the said banking business, and by that name shall have perpetual succession and a common seal, and shall have power to purchase and hold lands of such annual value as shall be expressed in such letters patent; and such letters patent shall be granted for a term of years, not exceeding twenty years, and may be made subject to such other provisions and stipulations as to Her Majesty may seem fit.

VII. Provided and enacted, That notwithstanding such incorporation the several shareholders for the time being in the said banking business, and those who shall have been shareholders therein, and their several executors, administrators, successors, and assigns, shall be and continue liable for all the dealings, covenants, and undertakings of the said company, subject to the provisions hereinafter contained, as fully as if the said company were not incorporated.

VIII. That no action or suit by or against the company shall be in anywise affected by reason of the plaintiff or defendant therein being a shareholder or former shareholder of the company; but any such shareholder, either alone or jointly with

another person as against the company, or the company as against any such shareholder, either alone or jointly with any other person, shall have the same action and remedy in respect of any cause of action or suit whatever which such shareholder or company might have had if such cause of action or suit had arisen with a stranger.

ix. That every judgment, decree, or order of any court of justice in any proceeding against the company may be lawfully executed against, and shall have the like effect on, the property and effects of the company, and also, subject to the provisions hereinafter contained, upon the person, property, and effects of every shareholder and former shareholder thereof, as if every individual shareholder and former shareholder had been by name a party to such proceeding.

x. That it shall be lawful for the plaintiff to cause execution upon any judgment, decree, or order obtained by him in any such action or suit against the company to be issued against the property and effects of the company; and if such execution shall be ineffectual to obtain satisfaction of the sums sought to be recovered thereby, then it shall be lawful for him to have execution in satisfaction of such judgment, decree, or order against the person, property, and effects of any shareholder, or, in default of obtaining satisfaction of such judgment, decree, or order from any shareholder, against the person, property, and effects of any person who was a shareholder of the company at the time when the cause of action against the company arose: Provided always, that no person having ceased to be a shareholder of the company shall be liable for the payment of any debt for which any such judgment, decree, or order shall have been so obtained, for which he would not have been liable as a partner in case a suit had been originally brought against him for the same, or for which judgment shall have been obtained, after the expiration of three years from the time when he shall have ceased to be a shareholder of such company; nor shall this Act be deemed to enable any party to a suit to recover from any individual shareholder of the company, or any other person whomsoever, any other or greater sum than might have been recovered if this Act had not been passed.

xi. That every person against whom or against whose property or effects any such execution shall have issued shall be reimbursed out of the property and effects of the company for all monies paid, and for all damages, costs, and expenses incurred by him by reason of such execution, or of the action or suit in which the same shall have issued, or in default of such reimbursement, by contribution from the other shareholders of the company.

xii. That if any such execution be issued against any present or former shareholder of the company, and if, within fourteen days next after the levying of such execution, he be not reimbursed on demand, out of the property and effects of the company, all such monies, damages, costs, and expenses as he shall have paid or incurred in consequence of such execution, it shall be lawful for such shareholder, or his executors or administrators, to have execution against the property and effects of the company in satisfaction of such monies, damages, costs, and expenses; and the amount of such monies, damages, costs, and expenses shall be ascertained and certified by one of the Masters or other officer of the Court out of which such execution shall issue.

xiii. That in the cases provided by this Act for execution on any judgment, decree, or order in any action or suit against the company, to be issued against the person or against the property and effects of any shareholder or former shareholder of such company, or against the property and effects of the company at the suit of any shareholder or former shareholder, in satisfaction of any monies, damages, costs, and expenses paid or incurred by him as aforesaid in any action or suit against the company, such execution may be issued by leave of the Court, or of a Judge of the Court in which such judgment, decree, or order shall have been obtained, upon motion or summons for a rule to shew cause, or other motion or summons consistent with the practice of the Court, without any suggestion or *scire facias* in that behalf, and that it shall be lawful for such Court or Judge to make absolute or discharge such rule, or allow or dismiss such motion, (as the case may be,) and to direct the costs of the application to be paid by either party, or to make such order therein as to such Court or Judge shall seem fit; and in such cases such form of writs of execution shall be sued out of the courts of law and equity respectively, for giving effect to the provision in that behalf aforesaid, as the Judges of such courts respectively shall from time to time think fit to order, and the execution of such writs shall be enforced in like manner as writs of execution are now enforced; provided that any order made by a Judge as aforesaid may be discharged or varied by the Court, on application made thereto by either party dissatisfied with such order; provided also, that no such motion shall be made nor summons granted for the purpose of charging any shareholder or former shareholder until ten days notice thereof shall have been given to the person sought to be charged thereby.

xiv. That if such shareholder be not by the means aforesaid fully paid all such monies, with interest, damages, costs, and expenses, as he shall have paid or incurred by reason of any such execution, it shall be lawful for him, his executors or administrators, to divide the amount thereof, or so much thereof as he shall not have been reimbursed, into as many equal parts as there shall then be shares in the capital stock of the company (not including shares then under forfeiture); and every shareholder for the time being of the company, and the executors or administrators of every deceased shareholder, shall, in proportion to the number of shares which they may hold in the company, pay one or more of such parts, upon demand, to the shareholder against whom such execution shall have been issued, or to his executors or administrators; and upon neglect or refusal so to pay, it shall be lawful for such shareholder, his executors or administrators, to sue for and recover the same against the shareholder, or the executors or administrators of any shareholder, who shall so neglect or refuse as aforesaid, in any of Her Majesty's courts of record at Westminster, or in any other court having jurisdiction in respect of such demand.

xv. That if the shareholder or former shareholder against whom any such execution shall have issued, his executors or administrators, shall by reason of the bankruptcy or insolvency of any shareholder, or from any other cause, but without any neglect or wilful default on his own part, be prevented from recovering any proportion of the monies, costs, or expenses which he shall have so paid, it shall be lawful for him, his executors or administrators, again to divide the amount of all such monies, costs, and expenses as shall not have been recovered by him or them into as many equal parts as there shall then be shares in the capital stock of the company (not including the shares then under forfeiture), except the shares in respect of which such default shall have happened; and every shareholder for the time being of the company, and the executors or administrators of every deceased shareholder, except as aforesaid, shall rateably, according to the number of shares which they shall hold in the company, upon demand, pay one or more such last-mentioned parts to the shareholder against whom such execution

shall have issued, his executors or administrators; and in default of payment he or they shall have the same remedies in all respects for the recovery thereof as under the provisions hereinbefore mentioned are given in respect of the original proportions of such monies, damages, costs, and expenses; and if any proportion of the said monies, damages, costs, and expenses shall remain unpaid by reason of any such bankruptcy, insolvency, or other cause as aforesaid, such shareholder, his executors or administrators, shall have in like manner, from time to time, and by way of accumulative remedy, the same powers, according to the circumstances of the case, of again dividing and enforcing payment of the amount of such proportion, until he or they shall, in the end, if a former shareholder, be fully reimbursed the whole of the said monies, costs, and expenses, and if then a shareholder, the whole, excepting the portions belonging to the shares held by him.

xvi. That within three months after the grant of the said letters patent, and before the company shall begin to carry on their business as bankers, an account or memorial shall be made out, according to the form contained in the Schedule marked (A.) to this Act annexed, wherein shall be set forth the true title or firm of the company, and also the names and places of abode of all the members of such company as the same respectively shall appear on the books of such company, and also the name and place of abode of every director and manager or other like officer of the company, and the name or firm of every bank or banks established or to be established by such company, and also the name of every town or place where the business of the said company shall be carried on; and a new account or memorial of the same particulars shall be made by the said company in every year, between the 28th of February and 25th of March, while they shall continue to carry on their business as bankers; and every such memorial shall be delivered to the Commissioners of Stamps and Taxes at the Stamp Office in London, who shall cause the same to be filed and kept in the said Stamp Office, and an entry or registry thereof to be made in a book or books to be there kept for that purpose by some person or persons to be appointed by the said Commissioners in that behalf, which book or books any person or persons shall from time to time have liberty to search and inspect on payment of the sum of 1s. for every search; and the company shall from time to time cause to be printed and kept, in a conspicuous place accessible to the public in their office or principal place of business, a list of the registered names and places of abode of all the members of such company for the time being.

xvii. Provided and enacted, That the manager or one of the directors of every such company shall, from time to time as occasion shall require, make out in manner hereinbefore directed, and cause to be delivered to the Commissioners of Stamps and Taxes as aforesaid, a further account or memorial, according to the form contained in the Schedule marked (B.) to this Act annexed, of the name and place of abode of every new director, manager, or other like officer of such company, and also of the name or names of any person or persons who shall have ceased to be members of such company, and also of the name or names of any person or persons who shall have become a member or members of such company, either in addition to or instead of any former member or members thereof, and of the name or names of any new or additional town or towns, place or places, where the business of the said company is carried on; and such further account or memorial shall from time to time be filed, and kept and entered and registered at the Stamp Office in London, in like manner as is hereinbefore required with respect to the original or annual account or memorial hereinbefore directed to be made.

xviii. That the several memorials aforesaid shall be signed by the manager or one of the directors of the company, and shall be verified by a declaration of such manager or director before a Justice of the Peace, or a Master or Master Extraordinary of the High Court of Chancery, made pursuant to the provisions of an Act, 5 & 6 Will. 4. c. 62, intituled, 'An Act to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits," and to make other Provisions for the Abolition of unnecessary Oaths; and if any declaration so made shall be false in any material particular the person wilfully making such false declaration shall be guilty of a misdemeanour.

xix. That a true copy of any such memorial, certified under the hand of one of the Commissioners of Stamps and Taxes for the time being, upon proof made that such certificate has been signed with the handwriting of the person certifying the same, whom it shall not be necessary to prove to be a Commissioner of Stamps and Taxes, shall be received in evidence as proof of the contents of such memorial, and proof shall not be required that the person by whom the memorial shall purport to be verified was, at the time of such verification, the manager or one of the directors of the company.

xx. That the said Commissioners of Stamps and Taxes for the time being shall, upon application made to them by any person or persons requiring a copy, certified according to this Act, of any such account or memorial as aforesaid, in order that the same may be produced in evidence, or for any other purpose, deliver to the person or persons so applying for the same such certified copy, he, she, or they paying for the same the sum of 10s. and no more.

xxi. That the persons whose names shall appear from time to time in the then last delivered memorial, and their legal representatives, shall be liable to all legal proceedings under this Act, as existing shareholders of the company, and shall be entitled to be reimbursed, as such existing shareholders only, out of the funds or property of the company, for all losses sustained in consequence thereof.

xxii. That all bills of exchange or promissory notes made, accepted, or indorsed on behalf of the said company may be made, accepted, or indorsed (as the case may be) in any manner provided by the deed of partnership, so that they be signed by one of the managers or directors of the company, and be by him expressed to be so made, accepted, or indorsed by him on behalf of such company: Provided always, that nothing herein contained shall be deemed to make any such manager or director liable upon any such bill of exchange or promissory note to any greater extent or in a different manner than upon any other contract signed by him on behalf of any such company; and that every such company, on whose behalf any bill of exchange or promissory note shall be made, accepted, or indorsed in manner and form as aforesaid, may sue and be sued thereon as fully as in the case of any contract made and entered into under their common seal.

xxiii. That, subject to the regulations herein contained, and to the provisions of the deed of settlement, every shareholder may sell and transfer his shares in the said company by deed duly stamped, in which the considerations shall be truly stated:

and such deed may be according to the form in the Schedule marked (C.) annexed to this Act, or to the like effect; and the same (when duly executed) shall be delivered to the secretary, and be kept by him; and the secretary shall enter a memorial thereof in a book, to be called the "Register of Transfers," and shall indorse such entry on the deed of transfer, and for every such entry and indorsement the company may demand any sum not exceeding 2s. 6d.; and until such transfer have been so delivered to the secretary as aforesaid the purchaser of the share shall not be entitled to receive any share of the profits of the said business, or to vote in respect of such share.

XXIV. That no shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being due on every share held by him.

XXV. That the directors may close the register of transfers for a period not exceeding fourteen days previous to each ordinary meeting, and may fix a day for the closing of the same, of which seven days notice shall be given by advertisement in some newspaper as after mentioned; and any transfer made during the time when the transfer books are so closed shall, as between the company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

And with respect to the registration of shares the interest in which may have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other legal means than by a transfer according to the provisions of this Act;—

It is Enacted,

XXVI. That no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the said business, or to vote in respect of any such share as the holder thereof, until such transmission have been authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall state the manner in which and the party to whom such share shall have been so transmitted, and shall be made and signed by some credible person before a Justice of the Peace, or before a Master or Master Extraordinary in the High Court of Chancery; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the register book of shareholders of the company; and for every such entry the company may demand any sum not exceeding 2s. 6d.

XXVII. That if such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production, in either of the cases aforesaid, the secretary shall make an entry of the declaration in the said register of transfers.

XXVIII. That with respect to any share to which several persons may be jointly entitled, all notices directed to be given to the shareholders shall be given to such of the said persons whose name shall stand first in the register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

XXIX. That if any money be payable to any shareholder, being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such idiot or lunatic, shall be a sufficient discharge to the company for the same.

XXX. That the company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the company shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid upon such receipt.

XXXI. That from time to time the directors may make such calls of money upon the respective shareholders, in respect of the amount of capital stock respectively subscribed by them, as they shall think fit; and whenever execution upon any judgment against the company shall have been taken out against any shareholder, the directors, within twenty-one days next after notice shall have been served upon the company of the payment of any money by such shareholder, his executors or administrators, in or toward satisfaction of such judgment, shall make such calls upon all the shareholders as will be sufficient to reimburse to such shareholder, his executors or administrators, the money so paid by him or them, and all his or their damages, costs, and expenses by reason of such execution, and shall apply the proceeds of such calls accordingly; and every shareholder shall be liable to pay the amount of every call, in respect of the shares held by him, to the persons, and at the times and places, from time to time appointed by the directors.

XXXII. That if, before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he may be liable, then such shareholder shall be liable to pay interest for the same at the yearly rate of 5l. in the hundred from the day appointed for the payment thereof to the time of the actual payment.

XXXIII. That if at the time appointed by the directors for the payment of any call the holder of any share fail to pay the amount of such call, the company may sue such shareholder for the amount thereof in any court of law or equity having competent jurisdiction, and may recover the same, with interest at the yearly rate of 5l. in the hundred from the day on which such call may have been payable.

XXXIV. That in any action to be brought by the company against any shareholder to recover any money due for any call it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to declare that the defendant is a holder of one share or more in the company (stating the number of shares), and is indebted to the company in the sum

of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the company by virtue of this Act.

XXXV. That on the trial of such action it shall not be necessary to prove the appointment of the directors who made such call, or any other matter, except that the defendant at the time of making such call was a holder of one share or more in the company, and that such call was in fact made, and such notice thereof given, as is directed by this Act; and thereupon the company shall be entitled to recover what shall be due upon such call, with interest thereon.

XXXVI. That the production of the register book of shareholders of the company shall be evidence of such defendant being a shareholder, and of the number and amount of his shares.

XXXVII. That if the holder of any share fail to pay a call payable by him in respect thereof, with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of six calendar months from the day appointed for payment of such call, may declare such share forfeited, and that whether the company have sued for the amount of such call or not; but the forfeiture of any such share shall not relieve any shareholder, his executors or administrators, from his and their liability to pay the calls made before such forfeiture.

XXXVIII. That before declaring any share forfeited the directors shall cause notice of such intention to be left at the usual or last place of abode of the person appearing by the register book of shareholders to be the proprietor of such share; and if the holder of any such share be not within the United Kingdom, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted shall not be known to the directors, the directors shall give public notice of such intention in the *London Gazette*; and the several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

XXXIX. That such declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some general meeting of the company, to be held after the expiration of two calendar months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of; and after such confirmation the directors shall sell the forfeited share, either by public auction or private contract, within six calendar months next after the confirmation of the forfeiture, and if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

XL. That a declaration in writing by some credible person not interested in the matter, made before any Justice of the Peace or before any Master or Master Extraordinary in the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of a director or manager of the company for the price of such share, shall constitute a good title to such share, and thereupon such purchaser shall be deemed the holder of such share discharged from all calls made prior to such purchase; and a certificate of proprietorship shall be delivered to such purchaser, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

XLI. That the company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls, and interest thereon, due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

XLII. That if payment of such arrears of calls, and interest and expenses, be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

XLIII. That in all cases wherein it may be necessary for any person to serve any notice, writ, or other proceeding at law or in equity, or otherwise, upon the company, service thereof respectively, on the manager or any director for the time being of the company, by leaving the same at the principal office of the company, or, if the company have suspended or discontinued business, by serving the same personally on such manager or director, or by leaving the same with some inmate at the usual or last abode of such manager or director, shall be deemed good service of the same on the company.

XLIV. Provided and enacted, That every company of more than six persons, for the formation or establishment of which proceedings had been begun or taken before the 6th of May last, and which before the 4th of July then next following was registered at the stamp office, and on the 4th of July actually carried on the said trade or business of bankers in England, although under a covenant or agreement of copartnership made or entered into on or after the 6th of May last, may continue to carry on the said trade or business under any such agreement or covenant of copartnership for any time not exceeding twelve calendar months next after the passing of this Act, in the same manner in all respects as they legally might have done before the passing of this Act, and after the expiration of the said twelve calendar months, in case the company shall not be incorporated under this Act, shall have, for the purpose of closing their trade or business, but for no other purpose, the same powers and privileges which they would have had if this Act had not been passed.

XLV. That it shall be lawful for any company of more than six persons carrying on the trade or business of bankers in England before the said 6th of May, or any company which by the provision hereinbefore in that behalf contained is enabled to

carry on the said trade or business of bankers in England for a time not exceeding twelve calendar months next after the passing of this Act, to present a petition to Her Majesty, praying that Her Majesty will be pleased to grant to them letters patent under this Act; and if, upon their compliance with the provisions hereinbefore contained with respect to companies formed after the said 6th of May, Her Majesty shall be pleased to grant to them letters patent under this Act as aforesaid, it shall be lawful for them thereafter to carry on their trade and business of bankers as aforesaid according to this Act, and not otherwise: Provided always, that a majority of the directors of any such company for the time being, with the consent of three-fourths in number and value of the shareholders present at a general meeting of the company, to be specially called for the purpose, may resolve to make any alterations in the constitution of such company, or otherwise, which may be deemed necessary or expedient for enabling such company to come within the provisions of this Act; and the majority of the directors of such company may, in pursuance of the resolution of such meeting as aforesaid, execute a new deed of partnership on behalf of such company, and it shall not be necessary for such deed to be executed by any other shareholder of such company; and it shall thereupon be lawful for such company to present such petition as aforesaid, and a copy of such resolution and of such new deed of partnership so executed by a majority of the directors of the company as aforesaid shall be annexed to such petition; and if Her Majesty shall thereupon grant letters patent to such company under this Act, all the shareholders of such company at the time of the grant of such letters patent shall be deemed to be incorporated under such letters patent, and to be the first shareholders in such incorporated company; and the said new deed of partnership so executed by a majority of the directors as aforesaid shall have such and the same effect, to all intents and purposes, as if it had been executed by all the shareholders.

XLVI. That notwithstanding the incorporation of any company under this Act all contracts and agreements entered into by and with such company shall continue in force as between such incorporated company and the parties with which the company entered into such contracts and agreements before the incorporation thereof, and may be enforced in like manner as if the company had been incorporated before the making of any such contract or agreement, and that no suit at law or in equity by or against such company shall be abated by reason of such incorporation; but on application of either of the parties to such suit to the court in which suit is pending, at any time before execution on any judgment in such suit shall have issued, it shall be lawful for the Court to order that the corporate name of such company be entered on the record, instead of the name of the plaintiff or defendant representing such company before the incorporation thereof, and thereupon such suit may be prosecuted and defended in the same manner as if the same had been originally instituted by or against the said incorporated company; and where execution on any judgment in such suit shall have issued before such application, execution of such judgment may be had as if such company were not incorporated as if this Act had not been passed.

XLVII. That after the passing of this Act every company of more than six persons established on the said 6th of May for the purpose of carrying on the said trade or business of bankers within the distance of sixty-five miles from London, and not within the provisions of this Act, shall have the same powers and privileges of suing and being sued in the name of any one of the public officers of such copartnership as the nominal plaintiff, petitioner, or defendant on behalf of such copartnership; and that all judgments, decrees, and orders made and obtained in any such suit may be enforced in like manner as is provided with respect to such companies carrying on the said trade or business at any place in England exceeding the distance of sixty-five miles from London under the provisions of an Act, 7 Geo. 4. c. 46, intituled, 'An Act for the better regulating Copartnerships of certain Bankers in England; and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of his late Majesty King George the Third, intituled, "An Act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of Three Millions towards the Supply for the Service of the Year One thousand eight hundred," as relates to the same;' provided that such first-mentioned company shall make out and deliver from time to time to the Commissioners of Stamps and Taxes the several accounts or returns required by the last-mentioned Act; and all the provisions of the last-recited Act as to such accounts or returns shall be taken to apply to the accounts or returns so made out and delivered by such first-mentioned companies, as if they had been originally included in the provisions of the last-recited Act.

XLVIII. Declared and enacted, That every company of more than six persons carrying on the trade or business of bankers in England shall be deemed a trading company within the provisions of an Act, 7 & 8 Vict. c. 111, intituled, 'An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.'

XLIX. That in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say.)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Words importing the masculine gender shall include females:

The word "plaintiff" shall include pursuer and petitioner:

The word "defendant" shall include defender and respondent:

The word "execution" shall include diligence or other proceeding proper for giving effect to any judgment, decree, or order of a Court of Justice.

1. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

MEMORIAL or Account to be entered at the Stamp Office in London in pursuance of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*]; viz.

Firm or Name of the banking Company; viz. [*set forth the Firm or Name.*]

Names and Places of Abode of all the Members of the Company; viz. [*set forth all the Names and Places of Abode.*]

Names and Places of the Bank or Banks established by such Company; viz. [*set forth all the Names and Places.*]

Names and Places of Abode of the Directors, Managers, and other like Officers of the said Banking Company; viz. [*set forth all the Names and Places of Abode.*]

Names of the several Towns and Places where the Business of the said Company is to be carried on; viz. [*set forth the Names of all the Towns and Places.*]

A. B. of Manager [*or other Officer, describing the Office*] of the above-mentioned Company, maketh Oath and saith, That the above-written Account doth contain the Name, Style, and Firm of the said Company, and the Names and Places of the Abode of the several Members thereof, and of the Banks established by the said Company, and the Names, Titles, and Descriptions of the Directors, Managers, and other like Officers of the said Company, and the Names of the Towns and Places where the Business of the Company is carried on, as the same respectively appear in the Books of the said Company, and to the best of the Information, Knowledge, and Belief of this Deponent.

Sworn before me, the

Day of

at

in the County of

C. D., Justice of the Peace in and for the County of
Extraordinary in Chancery].

[*or Master or Master*

SCHEDULE (B.)

MEMORIAL or Account to be entered at the Stamp Office in London on behalf of [*Name of the Company*], in pursuance of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*insert the Title of this Act*]; viz.

Names and Places of Abode of every new or additional Director, Manager, or other like Officer of the said Company; viz.

A. B. in the Room of *C. D.*, deceased or removed, [*as the Case may be*]; [*set forth every Name and Place of Abode.*]

Names and Places of Abode of every Person who has ceased to be a Member of such Company; viz. [*set forth every Name and Place of Abode.*]

Names and Places of Abode of every Person who has become a new Member of such Company; viz. [*set forth every Name and Place of Abode.*]

Names of any additional Towns or Places where the Business of the Company is carried on; viz. [*set forth the Names of all the Towns and Places.*]

A. B. of Manager [*or other Officer*] of the above-named Company, maketh Oath and saith, That the above-written Account doth contain the Name and Place of Abode of every Person who hath become or been appointed a Director, Manager, or other like Officer of the above Company, and also the Name and Place of Abode of any and every Person who hath ceased to be a Member of the said Company, and of every Person who hath become a Member of the said Company since the Registry of the said Company on the Day of last, as the same respectively appear on the Books of the said Company, and to the best of the Information, Knowledge, and Belief of this Deponent.

Sworn before me, the

Day of

at

in the County

C. D., Justice of the Peace in and for the County of
Extraordinary in Chancery].

[*or Master or Master*

SCHEDULE (C.)

Form of Transfer of Shares.

I of in consideration of the Sum of paid to me by
of do hereby transfer to the said Share [*or Shares*],
numbered in the Business called "The Banking Company," to hold unto the said
his Executors, Administrators, and Assigns [*or Successors and Assigns*], subject to the several Conditions
on which I held the same at the Time of the Execution hereof. And I the said do hereby agree to
take the said Share [*or Shares*], subject to the same Conditions. As witness our Hands and Seals, the Day
of

APPENDIX TO THE FOREGOING ABRIDGMENT OF STATUTES,

7 & 8 VICTORIA—1844.

CAP. LXXXVI.

AN ACT for the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Indemnity to clerks who have neglected to enrol their contracts.*
2. *Where persons neglect to enrol their contracts within the time allowed, the Court may order the service to commence from the execution.*
3. *Provisions of 34 Geo. 3. c. 14. as to the enrolment of contracts repealed.*
4. *Neglect of attornies, &c., in taking out their annual certificates not to disqualify their clerks.*
5. *Act may be altered this session.*

By this Act,

After reciting that by 34 Geo. 3. c. 14. it is enacted, that no person who by any contract in writing made after the days in the said Act respectively mentioned shall become bound to serve as a clerk in order to his admission as a solicitor or an attorney in any of the courts therein mentioned shall be admitted to be a solicitor or attorney in any of the said courts, unless the indenture or other writing containing such contract, duly stamped, shall be enrolled or registered with the proper officer to be appointed for that purpose in the court wherein such person shall propose to be afterwards admitted a solicitor or attorney by virtue of his service under such contract, together with an affidavit of the time of the execution of such contract by such clerk; and in case such indenture or other writing shall not be enrolled or registered in such court within six months next after the execution thereof, together with such affidavit, that then and in such case the service of such clerk under such indenture or writing shall be deemed to commence from the time of such enrolment or registry, and not from the execution of such indenture or writing: And that by 6 & 7 Vict. c. 78. it is enacted, that whenever any person shall after the passing of the said last-mentioned Act be bound by contract in writing to serve as a clerk to any attorney or solicitor, as therein mentioned, such attorney or solicitor shall within six months after the date of every such contract make and swear, or cause to be made and sworn, an affidavit of such attorney or solicitor having been duly admitted, and also of the actual execution of every such contract, and containing such particulars as are therein mentioned; and that every such affidavit shall be filed within six months next after the execution of the said contract with the officer therein mentioned, who shall thereupon enrol and register the said contract, and shall make and sign a memorandum of the day of filing such affidavit, upon such affidavit, and also upon such contract; and it is thereby provided, that in case such last-mentioned affidavit be not filed within such six months, the same may be filed after the expiration thereof, but that the service of such clerk shall be reckoned to commence and be computed from the day of filing such affidavit, unless one of the courts of law or equity shall otherwise order: And that many persons who may have paid the proper stamp duties either before or within six months after the execution of the contracts in writing entered into by them for the purposes aforesaid have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the execution of such contracts, as required by the said first-mentioned Act, and have also omitted to cause such contracts, and the indentures thereof, or the assignment of any such indentures, to be enrolled within the time in which the same ought to have been done, whereby they have incurred certain disabilities; for preventing whereof, and relieving such persons:—

It is Enacted,

1. That every person who shall, either before or within six months after the execution of such contract or indenture, have paid the proper stamp duty in that behalf, and who at the time of the passing of this Act shall have neglected or omitted, or who may, within six months after the execution of any such contract or indenture executed before the passing of this Act, neglect or omit to cause any such affidavit or affidavits, as required by the said first-mentioned Act as aforesaid, to be made and filed, or such contract or indenture or assignment to be enrolled, and who on or before the first day of Hilary term next shall cause such contract or indenture or assignment to be enrolled with the proper officer in that behalf, and one or more affidavit or affidavits, as required by the said first-mentioned Act, to be made, and afterwards to be filed, in such manner as he same ought to have been made and filed in due time, shall be and is hereby indemnified, freed, and discharged from and against all incapacities and disabilities in or by any Act or Acts mentioned by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the said first day of Hilary term next, shall be as effectual to all intents and purposes as if the same had been made and filed within the respective times the same ought by the laws now in being for that purpose to have been made and filed.

And after reciting that certain persons who have become bound by contracts as aforesaid, executed before the passing of this Act, may have enrolled the same after the expiration of six months from the date thereof, or may omit to enrol the same within the time hereby provided :—

It is Enacted,

11. That it shall be lawful for any of Her Majesty's superior courts of law or equity at Westminster, in any case where any such contract executed before the passing of this Act shall not have been enrolled within six months from the date thereof, or shall not be enrolled within the time by this Act allowed, to order and direct, either before or after the contract shall in any such case have been enrolled, with the proper affidavit by law required, that the service under such contract shall be reckoned to commence and be computed from the execution of such contract, or from any subsequent period prior to such enrolment, as such Court may think fit; and the same shall be deemed to have so commenced accordingly, whether such person shall at any time afterwards apply to be admitted in the same or any other court, anything in the said first-mentioned Act, or any other Act to the contrary notwithstanding.

And after reciting that since the passing of the said Act, 6 & 7 Vict. c. 73, the aforesaid provisions of the said Act 24 Geo. 1. c. 14. have become unnecessary, and it is expedient that the same should be repealed :—

It is Enacted,

111. That so much of the said last-mentioned Act as relates to the enrolment and registering of indentures and other writings containing any contract whereby any person shall become bound to serve as a clerk in order to his admission as a solicitor or attorney in any of the courts in the said Act mentioned, together with such affidavit as aforesaid, shall, in respect of all such indentures or writings made or executed after the passing of this Act, be and the same is hereby repealed: Provided always, that nothing herein contained shall be deemed or construed to repeal or alter any of the provisions of the said Act, 6 & 7 Vict. c. 73.

And after reciting that many attornies, solicitors, notaries public, and others, may have omitted or may hereafter omit to take out annual certificates, or to enter or register the same in the proper office, and persons who may have served as clerks to such attornies, solicitors, notaries public, and others, may by reason of such omission have incurred or may hereafter incur certain disabilities; for preventing whereof,—

It is Enacted,

iv. That no person who now has or hereafter shall have regularly served any attorney or attornies, notary public or notaries public, for the term of years required by law, shall be prevented or disqualified from being admitted an attorney, solicitor, or notary public, by reason of any omission of the person or persons whom he served for the same term or any part thereof having neglected or omitted to take out his annual certificate, or to enter or register the same; provided such person so having served is otherwise entitled to be so admitted as aforesaid by the laws for the time being in force relating thereto.

v. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XCVI.

AN ACT to amend the Law of Insolvency, Bankruptcy, and Execution.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. *Petition for protection from process may be presented to any Court of Bankruptcy without any notice given.*
2. *Form of petition.—Petition and schedule to be verified by affidavit as in the form specified.*
3. *Forthwith after filing of petition a notice to be given to creditors and advertised in the Gazette, &c., and a public sitting of the Court appointed for first examination of petitioner and estates of creditors' assignees.—Commissioner may reject or remove the person so chosen.*
4. *Property of petitioner to vest in assignees for the time by virtue of the appointment.*
5. *Upon petition being filed, Commissioner to have the like power for seizure of the property of the petitioner, and the commission of him and other persons, as in bankruptcy.*
6. *Any prisoner in execution upon judgment in an action for debt, not being a trader, or being a trader whose debts are less than 300*l.*, may by petition be protected from process and from being detained in prison for any debt mentioned in his schedule; and if so detained, Commissioner may order his discharge.*
7. *If petitioner be in custody, and is not entitled to be discharged, he may be brought up by warrant.*
8. *In case of death of petitioner.*
9. *Wearing apparel, bedding, working tools, &c., of the value of 20*l.* excepted from the operation of the Act.*
10. *Official assignees may act until creditors' assignees appointed; may sell the property if Commissioner so order, and make allowance to petitioner for his support. Property vested in official assignees to go to his successor.—If petition dismissed, all acts theretofore done according to the Act to be good and valid.*
11. *Assignees may execute powers which the petitioner might have executed for his own benefit.*
12. *Where lease accepted by assignees, the petitioner not liable for the rent.—Assignees not determining whether to accept the lease, the lessor may apply to the Court.*

13. Assignees may sue in their own names;—may make composition for debts;—may submit differences to arbitration.—*Proviso for consent of creditors to compositions and arbitrations.*
14. Creditors to vote according to balance due to them on an account fairly stated.
15. Where the petitioner is beneficially entitled to stock, the Commissioner may order a transfer.
16. Suits not to be abated by the death or removal of assignees.
17. Goods in possession, order, or disposition of petitioner, whereof he was reputed owner, to be deemed his property.
18. Distress not to be available for more than one year's rent.
19. Voluntary preference fraudulent and void as against assignees.—*Proviso.*
20. Provisions of 3 Geo. 4. c. 39. extended to the assignees of insolvent petitioners.
21. Warrant of attorney and cognovit actionem not to be acted upon against property of insolvent petitioner after filing his petition.
22. Final order to protect the person of the petitioner from process in respect of the debts or sums herein particularly mentioned.—*Specification of debts, &c. not necessary in final order.*
23. If prisoner be detained for any claims in respect of which he is protected Commissioner may order his discharge.
24. If it appear to Commissioner that any debts of the petitioner were contracted by fraud or breach of trust, &c., no day to be named for making the final order for protection; but if otherwise, a notice of such day to be given.
25. Sums payable by way of annuity to be deemed debts, and the annuitants to be creditors for the value thereof.
26. Final order may extend to process for contempt in non-payment of money, and to costs incurred by creditor, but subject to taxation.
27. Adjournment of consideration of final order.
28. If final order refused, or adjourned sine die, the Court, after the lapse of such time as it thinks just, having regard to the insolvency and the conduct of the insolvent, may make an order to protect him from further imprisonment in respect of the debts, &c., mentioned in his schedule.
29. Petitioner taken or detained after obtaining such order may be discharged.
30. Where error in schedule without fraud, act to operate upon the actual amount of debt.
31. How dividend to be made.—*Notices of sittings.*—Examination of objections and claims.—*Commissioner may require proof of debt.*
32. Outstanding debts, &c. may be sold by order of the Commissioner.
33. Proceedings not liable to stamp duty, nor sales to auction duty.
34. Sum to be paid on prosecution of petition.
35. Remuneration to official assignees.
36. Fees.
37. Proceedings, or a copy thereof, duly signed, receivable in evidence.
38. Rules and orders made under recited Act to be applicable to this Act.
39. Persons wilfully omitting anything in schedule guilty of a misdemeanor, and liable to three years imprisonment.—*Indictment need only set out the substance of the offence charged.*
40. Wilfully making a false oath or affirmation punishable as if guilty of perjury.
41. The Lord Chancellor may issue a fiat in bankruptcy against a trader having filed a declaration of insolvency, upon the petition of the trader himself.
42. Lord Chancellor may attach the country Commissioners to districts.
43. Minute of petitions filed to be transmitted to secretary of bankrupts.
44. Lord Chancellor authorized to give necessary directions where Courts shall sit.
45. Lord Chancellor empowered to appoint a taxing officer.—*Tenure of office, duties, and removal.*—*General provision as to business of taxing officer.*
46. Sum to be paid on the taxation of bills.
47. Sums received by the Master to be paid into the Bank of England, after deducting such sum as the Lord Chancellor thinks fit for expenses of office.
48. In case of sickness or other reasonable cause, the duty of the Master may be performed by deputy.
49. Registrars, &c. who now receive the surplus of certain fees to be paid in future solely by salary.
50. Fees to be accounted for.
51. Retiring pension to registrars.
52. Compensation to T. A. Warburton for having performed the duties of deputy registrar.
53. Court may send a registrar to take proof of debts, &c. where expedient.—*Examinations to be taken down.*
54. Style of deputy registrars of the Court of Bankruptcy.
55. Repealing provisions in 5 & 6 Will. 4. c. 29. as to fees receivable by accountant in bankruptcy.
56. Salary of accountant.
57. Arrest upon final process in an action for debt not exceeding 20*l.* and costs abolished.
58. Persons in execution at the time of passing this Act where the debt shall not exceed 20*l.* and costs shall be discharged on application to a Judge.—*Proviso for discharge fraudulently obtained.*—*Sheriffs, &c. not liable as for escape.*—*Judgment to remain in force notwithstanding the discharge of the debtor.*
59. Power of imprisonment for fraud.
60. Execution against the goods.
61. Execution not to issue till after default in payment of instalment.
62. Power to suspend execution in certain cases.
63. Execution to be suspended on payment of debt and costs.
64. Bailiffs made answerable for neglect to levy.
65. Remedies against bailiffs and other officers.
66. Execution against the goods to be within the provisions of 7 & 8 Geo. 4. c. 17.
67. Landlord's lien for rent restrained.
68. Claims as to goods taken in execution to be adjudicated in court.

69. *Distress not unlawful for want of form.*
 70. *Compensations to persons whose emoluments will be diminished.*
 71. *Inquiry into amount of compensation.*
 72. *Appointment of assessors of inferior courts.*
 73. *Construction of the Act.*
 74. *Recited Act not to be affected, except as herein provided.*
 75. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to amend an Act 5 & 6 Vict. c. 116, intituled 'An Act for the Relief of Insolvent Debtors':—

It is Enacted,

I. That a petition for protection from process under the said Act may be presented to any Court or District Court of Bankruptcy within the district of which the petitioner shall have resided twelve calendar months, without any notice whatever being given to any creditor, or in the *London Gazette*, or any newspaper.

II. That every petition for protection from process presented after the commencement of this Act to the Court of Bankruptcy, or to any District Court of Bankruptcy, shall be in the form specified in the Schedule hereunto annexed (A. No. 1.); and such petition, and the schedule required by the said recited Act to be annexed thereto, shall be verified by an affidavit of the petitioner in the form specified in the Schedule hereunto annexed (A. No. 2.); and such affidavit shall be sworn in like manner as affidavits in matters of Bankruptcy may be sworn by any law now in force relating to bankrupts, and shall be annexed to such petition at the time of filing the same; and if such petition and affidavit shall not be in the form herein prescribed such petition shall be dismissed.

III. That the Commissioner authorized to act in the matter of such petition shall forthwith, after such petition shall have been filed, cause notice of the filing of such petition to be given, in such manner as the Commissioner shall direct, to the creditors named in the schedule of the petitioner, and resident within the United Kingdom, and whose debts respectively shall amount to the sum of 5*l.* and to be inserted in the *London Gazette* and in some newspaper or newspapers circulating within the county wherein the petitioner shall reside, and shall thereby appoint a public sitting of the Court whenever the Commissioner shall think fit for the first examination of the petitioner; and the Commissioner may adjourn such sitting from time to time, and allow the petitioner to amend his schedule and correct any mis-statement therein, at the discretion of the Commissioner, and the choice of the creditors' assignee shall take place at such sitting, or any adjournment thereof, and shall be made by the majority in number and value of the creditors who may attend, by themselves or their attorneys duly authorized by letters of attorney in that behalf, before the Commissioner on such day; provided that the Commissioner shall have power to reject any person so chosen who shall appear to him unfit to be such assignee as aforesaid, or to remove any assignee; and upon such rejection or removal a new choice of another assignee shall be made in like manner.

IV. That the property of the petitioner shall, for the purposes of the said recited Act and of this Act, vest in the assignee or assignees for the time being, by virtue of the appointment of such assignee or assignees; and every such assignee shall be deemed to be an officer of the Court in which the petition shall be filed, and shall be liable as such to the controul thereof: Provided always, that the property of the petitioner shall in every case be possessed and received by the official assignee alone, save where it shall be otherwise directed by the Commissioner: Provided also, that it shall be lawful for the Lord Chancellor, or the Judges and Commissioners of the Court of Bankruptcy in London, or the majority of them, if authorized so to do by the Lord Chancellor, from time to time to make such orders, rules, and regulations for the security of the property of the petitioner as he or they may judge reasonable and proper.

V. That upon such petition being filed the Commissioner shall possess the like power and authority touching the seizure of the property of such petitioner (except as herein otherwise directed), and also to compel the attendance of and to examine such petitioner and his wife, and every person known or suspected to have any of the property of such petitioner in his possession, or who is supposed to be indebted to such petitioner, and every person whom the Commissioner believes capable of giving any information concerning the person, trade, business, or calling, dealings, or property of such petitioner, or any information material to the full disclosure of the dealings of such petitioner, and to enforce both obedience to such examination, and the production of books, deeds, papers, writings, and other documents, as by any law now in force relating to bankrupts are possessed by the several Courts authorized to act in the prosecution of fiats in bankruptcy touching the seizure of property and the examination of any bankrupt or other person under a fiat in bankruptcy.

VI. That any prisoner in execution upon any judgment obtained in any action for the recovery of any debt, either not being a trader within the meaning of the statutes relating to bankrupts, or being a trader within the meaning of the said statutes owing debts amounting on the whole to less than 300*l.*, may be a petitioner for protection from process; and every such petitioner to whom an interim order for protection shall have been given shall not only be protected from process, as provided by the said recited Act, but also from being detained in prison in execution upon any judgment obtained in any action for the recovery of any debt mentioned in his schedule; and if any such petitioner, being a prisoner in execution, shall be detained in prison in execution upon any such judgment, it shall be lawful for the Commissioner to order any officer who shall have such petitioner in custody by virtue of such execution to discharge such petitioner out of custody as to such execution, without exacting any fee, and such officer shall hereby be indemnified for so doing; and no sheriff, gaoler, or other person whatsoever shall be liable to any action as for the escape of any such prisoner by reason of such his discharge; and such petitioner so discharged shall be protected by his interim order from all process for such time as the Commissioner shall by such interim order or any renewal thereof think fit to appoint, until the making of the final order for protection, in the same

manner as if such petitioner had not been a prisoner in execution: Provided always, that after the time allowed by any such interim order or any renewal thereof (as the case may be) shall have elapsed such petitioner shall not by such discharge be protected from being again taken in execution upon such judgment, but such judgment shall remain in full force and effect notwithstanding such discharge.

VII. That whenever any such petitioner is a prisoner under any process, attachment, execution, commitment, or sentence, and is not entitled to his discharge in manner aforesaid, the Commissioner may, by warrant under his hand directed to the person in whose custody such petitioner is confined, cause such petitioner to be brought before him for examination at any sitting of the Court, either public or private, and the expense of bringing such petitioner shall be paid out of his estate, and such person shall be indemnified by the warrant of the Commissioner for bringing up such petitioner.

VIII. That if any petitioner for protection from process shall die after the filing of his petition, the Commissioner may proceed in the matter of such petition, for the discovery and distribution of his property, as he might have done if the petitioner were living.

IX. That the wearing apparel, bedding, and other necessities of the petitioner and his family, and the working tools and implements of the petitioner, not exceeding in the whole the value of 20*l.*, may be excepted by the petitioner in his petition from the operation of the said recited Act and of this Act, and in such case shall be altogether excluded from the operation of the said Acts: Provided always, that such excepted articles, with the values thereof respectively, to be ascertained and appraised, if the Commissioner shall think fit, in such manner as he shall direct, be fully and truly described by the petitioner in his schedule, but otherwise the exception thereof shall be of no force as to any part of the same.

X. That until an assignee shall be chosen by the creditors of any petitioner for protection from process the official assignee nominated by the Commissioner upon the filing of the petition of such petitioner shall be enabled to act, and shall be deemed to be, to all intents and purposes, a sole assignee of the property of such petitioner, and, if the Commissioner shall so order, may sell or otherwise dispose of such property, or any part thereof, and make such allowance out of the property of such petitioner for the support of himself and his family as the Commissioner shall direct; and the property vested in any official assignee alone, or jointly with any assignee chosen by creditors under the said recited Act, this Act, or either of them, shall not remain in such official assignee alone, or jointly with such assignee chosen by creditors, if such official assignee shall resign or be removed from his office, nor in the heirs, executors, or administrators of such official assignee, nor in the surviving assignee alone, in case of the death of such official assignee, but all such property shall in every such case go to and be vested in the successor in office of such official assignee alone, or jointly with the assignee chosen by the creditors (if any), as the case may be; and whenever any such petition shall have been or shall be dismissed all sales and dispositions of property, and payments duly made, and all other acts theretofore done by any assignee, or any person or persons acting under his authority, or by any messenger or other person under the authority of the Commissioner, according to the provisions of the said recited Act and of this Act or either of them, shall be good and valid, but the property of the petitioner shall otherwise in such case revert in such petitioner; provided, however, that no action or suit shall be prosecuted or commenced against such assignee, messenger, or other person or persons acting as aforesaid, except to recover any property of such petitioner detained after an order made by the Commissioner for the delivery thereof, and demand made thereupon.

XI. That all powers vested in any petitioner for protection from process, whose estate shall, under the provisions of the said recited Act, of this Act, or of either of them, have been vested in an assignee or assignees, which such petitioner might legally execute for his own benefit (except the right of nomination to any vacant ecclesiastical benefice), shall be hereby vested in such assignee or assignees, to be by such assignee or assignees executed for the benefit of the creditors of such petitioner under this Act, in such manner as such petitioner might have executed the same.

XII. That in all cases in which any such petitioner shall be entitled to any lease or agreement for a lease, and his assignee or assignees shall accept the same, and the benefit thereof, as part of such petitioner's property, the said petitioner shall not be liable to pay any rent accruing after the filing of his petition, nor be in any manner sued after such acceptance, in respect of any subsequent nonobservance or nonperformance of the conditions, covenants, or agreements therein contained: provided that in all such cases as aforesaid it shall be lawful for the lessor or person agreeing to make such lease, his heirs, executors, administrators, or assigns, if the said assignee or assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such lease or agreement for a lease, to apply to the Commissioner, praying that he or they may either so accept the same, or deliver up such lease or agreement for a lease, and the possession of the premises demised or intended to be demised; and the Commissioner shall thereupon make such order as in all the circumstances of the case shall seem meet and just, and such order shall be binding on all parties.

XIII. That it shall be lawful for the assignee or assignees of any such petitioner, and such assignee or assignees shall be hereby empowered, to sue, from time to time as there may be occasion, in his or their own name or names, for the recovery, obtaining, and enforcing of any property or rights of such petitioner, but in trust for the benefit of the creditors of such petitioner, according to the provisions of the said recited Act and this Act, and to give such discharge and discharges to any person or persons who shall be respectively indebted to such petitioner as may be requisite; and to make compositions with any debtors or accountants to such petitioner, where the same shall appear necessary, and to take such reasonable part of any such debts as can upon such composition be gotten in full discharge of such debts and accounts; and to submit to arbitration any difference or dispute between such assignee or assignees and any person or persons for or on account or by reason of any matter, cause, or thing relating to the property of such petitioner: Provided nevertheless, that no such composition, or submission to arbitration, shall be made, nor any suit in equity be commenced, by any such assignee or assignees, without the consent in writing of the major part in value of the creditors of such petitioner, who shall meet together pursuant to a notice of such meeting, to be published at least fourteen days before such meeting in the *London Gazette*, and also in some newspaper usually circulated in the neighbourhood of the place where such petitioner had his last usual residence before the filing of his petition, nor without the approbation of the Commissioner.

xiv. That in all matters wherein creditors shall vote, or wherein the assent or dissent of creditors shall be exercised in pursuance of or in carrying into effect the said recited Act or this Act, every creditor shall be accounted such in respect of such amount only as upon an account fairly stated between the parties, after allowing the value of mortgaged property, and other such available securities and liens, shall appear to be the balance due; and that all disputes arising in such matters concerning any such amount shall, upon application duly made in that behalf, be examined into by the Commissioner, who shall have power to determine the same, and, if it seem fit, to refer the examination thereof to an officer of the said court: Provided always, that the amount in respect of which any such creditor shall vote in any such matter shall not be conclusive of the amount of his or her debt for any ulterior purposes, in pursuance of the provisions of this Act.

xv. That if any such petitioner shall at the time of filing his petition, or at any time before such petitioner shall become entitled to his final order according to this Act, have any government stocks, funds, or annuities, or any of the stock or shares of or in any public company, either in England, Scotland, or Ireland, standing in his own name in his own right, it shall be lawful for the Commissioner, whenever he shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name of such assignee or assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid shall be hereby indemnified for all things done or permitted pursuant to such order.

xvi. That whenever any assignee shall die, resign, or be removed, or a new assignee shall be duly appointed, no action at law or suit in equity shall be thereby abated, but the court in which any action or suit is depending may, upon the suggestion of such death, resignation, or removal, and new appointment (if any), allow the name or names of the surviving or new assignee to be substituted in the place of the former, and such action or suit shall be prosecuted in the name or names of the said surviving or new assignee, in the same manner as if he had originally commenced the same.

xvii. That if any petitioner for protection from process shall, at the time of filing his petition, by the consent and permission of the true owner thereof, have in his possession, order, or disposition any goods or chattels whereof such petitioner was reputed owner, or whereof he had taken upon him the sale, alteration, or disposition as owner, the same shall be deemed to be the property of such petitioner, so as to become vested in the assignee or assignees for the time being of the estate and effects of such petitioner; provided that no transfer or assignment of any ship or vessel, or any share thereof, made as a security for any debt or debts, either by way of mortgage or assignment, duly registered according to the provisions of an Act 3 & 4 Will. 4. c. 56, intitled, 'An Act for the registering of British Vessels,' shall be invalidated or affected by reason of such possession, order, or disposition of the same as aforesaid.

xviii. That no distress for rent made and levied, after the filing of any petition for protection from process, upon the goods or effects of the petitioner, shall be available for more than one year's rent accrued prior to the filing of such petition, but that the landlord or party to whom the rent shall be due shall and may be a creditor for the overplus of the rent due, and for which the distress shall not be available, and entitled to all the provisions made for creditors by the said recited Act or by this Act.

xix. That if the petitioner shall, before or after the filing of his petition, in contemplation of his becoming insolvent, or being in insolvent circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any estate, real or personal, security for money, bond, bill, note, money, goods, or effects whatsoever, to any creditor or creditors, or to any person or persons in trust for, or to or for the use, benefit, or advantage of any creditor or creditors, or to any person who is or may be liable as surety for such petitioner, every such conveyance, assignment, transfer, charge, delivery, and making over shall be deemed fraudulent and void as against any assignee or assignees of the estate and effects of such petitioner appointed under the provisions of the said recited Act and of this Act, or of either of them: Provided always, that no such conveyance, assignment, transfer, charge, delivery, or making over shall be so deemed fraudulent and void if made at any time prior to three months before the filing of the petition, and not with the view or intention, by the party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the Court for protection from process.

xx. That the provisions of an Act, 3 Geo. 4. c. 39, intitled, 'An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment,' shall extend to the assignee or assignees of every petitioner for protection from process whose estate shall, after the expiration of twenty-one days next after his execution of such warrant of attorney, or giving of such cognovit actionem as therein mentioned, be vested in an assignee or assignees under the provisions of the said recited Act and of this Act or of either of them, as if the said Act so intitled as aforesaid had been expressly herein enacted: and every such warrant of attorney, and judgment and execution thereon, and every such cognovit actionem, and judgment entered up thereon, and execution taken out on such judgment, as are declared by the said last-mentioned Act to be fraudulent and void against the assignees mentioned therein, shall be deemed equally fraudulent and void against the assignee or assignees of the estate of such petitioner, and such assignee or assignees shall be entitled to recover back and receive, for the use of the creditors of such petitioner, all the monies levied and effects seized under or by virtue of any such judgment or execution.

xxi. That in all cases where any petitioner for protection from process, whose estate shall have been vested in an assignee or assignees under the provisions of the said recited Act and of this Act or of either of them, shall have executed any warrant of attorney to confess judgment, or shall have given any cognovit actionem or bill of sale, whether for a valuable consideration or otherwise, no person shall, after the filing of the petition of such petitioner, avail himself of any execution issued or to be issued upon any judgment obtained or to be obtained upon such warrant of attorney or cognovit actionem, either by seizure and sale of the property of such petitioner or any part thereof, or by sale of such property theretofore seized, or any part thereof, or avail himself of such bill of sale, but that any person or persons to whom any sum or sums of money shall be due in respect of any such warrant of attorney or cognovit actionem, or of such bill of sale, shall and may be a creditor or creditors for the same under the said recited Act and this Act.

xxii. That the final order to be made under the provisions of the said Act as amended by this Act shall protect the person of the petitioner from being taken or detained under any process whatever in the cases hereinafter mentioned; (that is to say,) from all process in respect of the several debts and sums of money due or claimed to be due at the time of filing the

petition from such petitioner to the several persons named in his schedule as creditors, or as claiming to be creditors for the same respectively, or for which such persons shall have given credit to such petitioner before the time of filing such petition, and which were not then payable, or in respect of the claims of any other persons not known to such petitioner at the time of making the final order, who may be indorsees or holders of any negotiable securities set forth in such schedule: Provided always, that every such final order may be made without specifying therein any such debt or debts, or sum or sums of money, or claims as aforesaid, or naming therein any such creditor or creditors as aforesaid; and such final order shall be in the form specified in Schedule (A. No. 3.)

XXIII. That if any such petitioner, being a prisoner in execution at the time of filing his petition, shall be detained in prison for any debt or claim in respect of which he is protected from process by his final order, it shall be lawful for the Commissioner to order any officer who shall have such petitioner in custody by virtue of such execution to discharge such petitioner without exacting any fee; and such officer shall be hereby indemnified for so doing.

XXIV. Provided and enacted, That if on the day for the first examination of the petitioner, or at any adjournment thereof, it shall appear to the Commissioner that the debts of the petitioner, or any of them, were contracted by any manner of fraud or breach of trust, or by any prosecution whereby he had been convicted of any offence, or without having at the time a reasonable or probable expectation of being able to pay such debt or debts, or that such debts, or any of them, were contracted by reason of any judgment in any proceeding for breach of the revenue laws, or in any action for breach of promise of marriage, seduction, criminal conversation, libel, slander, assault, battery, malicious arrest, malicious suing out a fiat of bankruptcy, or malicious trespass, or that the petitioner has parted with any of his property since the presenting of his petition, the Commissioner shall not be authorized in any such case to name any day for making such final order, or to renew such interim order; and in every such case wherein any such petitioner shall have been a prisoner in execution, and discharged out of custody by order of the Commissioner under the provision herein in that behalf contained, such petitioner shall be remanded by an order of the Commissioner to his former custody; but if none of the matters aforesaid shall so appear, and the Commissioner shall be satisfied that the petitioner has made a full discovery of his estate, effects, debts, and credits, it shall then be lawful for the Commissioner to cause notice to be given that on a certain day, to be named therein, he will proceed to make such final order, unless cause be shewn to the contrary.

XXV. That every sum of money which shall be payable, by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant, or other securities of any nature whatsoever, shall be deemed and taken to be debts within the meaning of the said recited Act and of this Act: Provided always, that every person who would be a creditor of any petitioner for protection from process for such sum or sums of money, if the same were presently due, shall be admissible as a creditor of such petitioner for the value, and no more, of such sum or sums of money so payable as aforesaid, which value the Commissioner authorized to act in the matter of the petition shall, upon application at any time made in that behalf, ascertain, regard being had to the original price given for such sum or sums of money, deducting therefrom such diminution in the value thereof as shall have been caused by the lapse of time since the grant thereof to the time of filing such petition; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by the said recited Act or by this Act, without prejudice nevertheless to the respective securities of such creditor, excepting as respects the effect of the final order which shall be obtained by such petitioner under the provisions of the said recited Act and of this Act.

XXVI. Provided and enacted, That the final order for protection from process shall and may extend to all process issuing from any Court for any contempt of court, ecclesiastical or civil, for nonpayment of money or of costs or expenses in any such court; and that in such case such final order shall be deemed to extend also to all costs which the petitioner would be liable to pay in consequence or by reason of such contempt, or on purging the same; and that every final order as to any debt or damages of any creditor of the petitioner shall be deemed to extend also to all costs incurred by such creditor before the filing of the petitioner's schedule in any action or suit brought by such creditor against the petitioner for the recovery of the same; and that all persons as to whose demands for any such costs, money, or expenses as aforesaid the final order obtained by the petitioner shall be adjudged to extend shall be deemed and taken to be creditors of such petitioner in respect thereof, and entitled to the benefit of all the provisions made for creditors by the said recited Act or by this Act; subject nevertheless to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof as is herein provided in respect of all claims to a dividend of such petitioner's estate and effects.

XXVII. That it shall be lawful for the Commissioner, at the time appointed for making the final order for protection from process, or at any adjournment thereof, to adjourn the consideration of such final order *sine die*.

XXVIII. That if for any of the causes in that behalf aforesaid no day be named for making the final order, or if the consideration of such final order be adjourned *sine die*, or such final order be refused, the Commissioner shall have the power, after the expiration of such time subsequent to the filing of the petition as, having regard to all the circumstances of the insolvency, and the conduct of the petitioner as an insolvent debtor before and after his insolvency, the Commissioner shall think just, and after hearing the petitioner or any of his creditors, or his or their counsel or attorneys, to make an order to protect the petitioner from being taken or detained under any process whatever for or in respect of the several debts and sums of money due or claimed to be due at the time of filing his petition, from the said petitioner, to the several persons named in his schedule as creditors or as claiming to be creditors for the same respectively, or for which such persons should have given credit to the said petitioner before the time of filing his petition, and which were not then payable, and as to the claims of all other persons not known to the said petitioner at the time of making such order, who may be indorsers or holders of any negotiable security set forth in his said schedule: Provided always, that no debtor shall be imprisoned on any process for more than twelve calendar months for any debt contracted before filing his petition, in case the final order shall be refused or shall not be made, or in case the protecting order shall not be renewed.

XXIX. That if such petitioner shall be taken or detained under any process whatever for any debt or claim in respect of which he is protected from process by such order as last aforesaid it shall be lawful for the Commissioner to order any officer

who shall have such petitioner so in custody to discharge such petitioner therefrom, without exacting any fee; and such officer shall be hereby indemnified for so doing.

And after reciting that it may sometimes happen that a debt of, or claim upon, or balance due from a petitioner for protection from process may be specified in his schedule so sworn to as aforesaid at an amount which is not exactly the actual amount thereof, without any culpable negligence or fraud or evil intention on the part of such petitioner;—

It is Enacted,

xxx. That in such case the Commissioners shall allow the schedule to be amended in that behalf; and in every case in which an amendment of the schedule shall be allowed the said petitioner shall be entitled to every benefit and protection of the said recited Act and of this Act; and the creditor in that behalf shall be entitled to the benefit of all the provisions made for creditors by the said recited Act and by this Act in respect of the actual amount of such debt, claim, or balance, and neither more nor less than the same, to all intents and purposes, such error in the said schedule notwithstanding.

xxxI. That whenever after an audit there shall appear to the Commissioners to be in the hands of the official assignee any balance wherewith a dividend may be made, proceedings shall be had forthwith, under the direction of the Commissioners, for making such dividend, and also, when it shall appear necessary, for correcting and ascertaining the list of creditors entitled to receive the same; and notice of any sitting of the Court ordered to be held for such ascertaining of debts, or for an audit, or for declaring a dividend thereupon, or for all such purposes, shall be given for such time and in such manner as the Commissioner shall from time to time direct; and such dividend shall be made amongst the creditors of the petitioner whose debts shall be admitted in his schedule sworn to by the petitioner, and amongst such other creditors (if any) who shall prove their debts in pursuance of any order of the Commissioner to be made in that behalf in proportion to the amount of the debts so admitted, or so admitted and proved, as the case may be: Provided always, that if the petitioner, or any creditor or assignee, shall object in whole or in part to any debt tendered to be so proved as aforesaid, or to any debt mentioned in the schedule of the petitioner, or if any person whose demand is stated in such schedule, but is not admitted therein to the extent of such demand, shall claim to be admitted as a creditor for the whole of such demand, or for more thereof than is so admitted, the said objections and claims shall, upon application duly made, be examined into by the Commissioner, and the decision of the Commissioner thereupon shall be conclusive with respect to the title of such creditor or creditors to his or their share of such dividend; Provided always, that if in any case it shall appear expedient it shall be lawful at any time for the Commissioner, by notice as may be directed in that behalf, to cause all or any of the creditors to prove their debts, in such manner as the Commissioner shall require, and to decide upon such debts, and the right to receive dividends thereupon; and to do all things requisite thereto, as aforesaid.

xxxII. That if at the expiration of twelve calendar months from the filing of any petition for protection from process there shall remain any outstanding debts or other property due or belonging to the estate of the petitioner, which cannot, in the opinion of the Commissioner, be collected and received, without unreasonable or inconvenient delay, it shall be lawful for the assignees, under the direction of the Commissioner, to sell and assign such debts and other property in such manner as shall be ordered by the Commissioner.

xxxIII. That no letter of attorney, affidavit, certificate, or other proceeding, instrument, or writing whatsoever be the matter of any petition for protection from process, nor any copy thereof, nor any advertisement inserted in any newspaper by the direction of any Commissioner of the Court of Bankruptcy relating to any such matter, shall be liable to or charged with the payment of any stamp or other duty whatsoever; and that no sale of any real or personal estate of any such petitioner as aforesaid, for the benefit of his creditors, under the said recited Act or this Act, shall be liable to any auction duty: Provided always, that no such exemption from auction duty shall be allowed unless such sale shall be conducted by a licensed auctioneer, and such auctioneer shall at the time of passing his account thereof produce to the officer of Excise a catalogue signed and certified by the assignees by whose order such sale shall have been made, in manner and form required by the laws of Excise.

xxxIV. That under every petition for protection from process after the passing of this Act in the Court of Bankruptcy in London, or in any district Court of Bankruptcy in the country, there shall be paid by the official assignee of the estate and effects of the petitioner, into the Bank of England, to the credit of the Accountant in Bankruptcy, to the account intitled, "The Secretary of Bankrupts Account," a sum not less than one-eighth of a pound per centum, and not exceeding 51 per centum on the gross produce from time to time of the petitioner's estate, such sum, within the limit aforesaid, and the time or times for payment thereof, to be fixed by the Lord Chancellor by any general order for those purposes, and to be applicable to all the purposes of the said account, and to be subject to the like orders as other monies directed to be paid in to the said account; and that it shall be lawful for the Lord Chancellor from time to time to lessen or increase such sum, within the limit aforesaid, as to the Lord Chancellor may seem just and reasonable; upon consideration of the amount from time to time standing to the said account, and of the claims from time to time chargeable thereupon.

xxxV. That from and after the passing of this Act it shall be lawful for the Commissioner authorized to act in the matter of any petition for protection from process to direct remuneration to the official assignee for his services in the matter of such petition, in like manner as in bankruptcy, but nevertheless so as such remuneration shall in no case exceed the rate of 10 per centum on the sum received as produce of the property of the petitioner.

xxxVI. That no fee or gratuity shall be received or taken by the Court of Bankruptcy, or any district Court of Bankruptcy, or any solicitor, auctioneer, broker, appraiser, accountant, messenger, or other officer of any such court, for anything done or to be done in the matter of any such petition, or from any person whomsoever, except as hereinbefore authorized, and except such fees as shall at any time be specified in a list thereof to be signed by the Commissioners of the Court of Bankruptcy, authorized to act in the prosecution of fiats in bankruptcy in London, or the major part of them, and such of the Commissioners of the said Court authorized to act in the prosecution of fiats in bankruptcy in the country as shall be appointed by

the Lord Chancellor for that purpose, and to be approved of by the Lord Chancellor, a copy of which list shall be exposed to view in every such court.

XXXVII. That any petition for protection from process, and any proceeding in the matter of such petition purporting to be signed by a Commissioner of the Court of Bankruptcy, or a copy of such petition or other proceeding purporting to be so signed, shall in all cases be receivable in evidence of such proceedings having respectively taken place.

XXXVIII. That the rules and orders made by the Judges and Commissioners of the Court of Bankruptcy under the said recited Act shall extend and be applicable to this Act, except as otherwise provided by this Act: Provided always, that it shall be lawful for the Commissioners of the Court of Bankruptcy acting in London, or the major part of them, and such of the Commissioners of the said Court acting in the country as shall be nominated by the Lord Chancellor for that purpose, from time to time to alter or vary such rules and orders, or to make other rules and orders, to be approved of by the Lord Chancellor, for the better carrying into execution the said recited Act as amended by this Act: Provided also, that any such rules and orders may be rescinded or varied as the Lord Chancellor shall direct.

XXXIX. That in case any petitioner for protection from process shall, with intention to defraud the creditors of such petitioner, wilfully and fraudulently omit in his schedule so sworn to as aforesaid any property whatsoever, or retain or except out of such schedule as wearing apparel, bedding, or other necessities, or working tools or implements, property of greater value than 20*l.*, every such person so offending, and any person aiding and assisting him to do the same, shall, upon being thereof convicted by due course of law, be adjudged guilty of a misdemeanor, and thereupon it shall be lawful for the Court before whom such offender shall have been so tried and convicted to sentence such offender to be imprisoned and kept to hard labour for any period not exceeding three years; and that in every indictment or information against any person for any offence under this Act it shall be sufficient to set forth the substance of the offence charged on the person offending, without setting forth the petition, or any proceeding whatever in the matter of such petition, except so much of the schedule of such petitioner as may be necessary for the purpose.

XL. That if any person who shall make or take any oath or affirmation under or in pursuance of the said recited Act or of this Act shall therein be guilty of wilful falsehood, every such person, being duly convicted thereof, shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject.

XLI. That the Lord Chancellor shall have power, upon petition made to him in writing by any trader who shall have filed a declaration of insolvency in manner and form prescribed by the statute in that case made and provided relating to bankrupts, and upon payment of the like sum as is payable upon the granting a fiat upon the petition of a creditor, to be carried to and applicable to the purposes of the account in the Bank of England, intituled "The Secretary of Bankrupts Account," to issue a fiat in bankruptcy against such trader, and to authorize the prosecution thereof in the Court of Bankruptcy in London or in any district Court of Bankruptcy; and that it shall and may be lawful for such Court so authorized as aforesaid, upon the application of such trader, and upon proof of the trading and of the filing of such declaration, or upon the application of any creditor or creditors of such trader to such amount as by the said statute required for a petitioning creditor's debt, and upon proof of the matters requisite to support a fiat issued upon the petition of a creditor, to make the adjudication of bankruptcy under such fiat, and all further proceedings under such fiat shall be thenceforth prosecuted and carried on in like manner as if such fiat had been issued and adjudicated upon on the petition of a creditor of the bankrupt.

XLII. That it shall be lawful for the Lord Chancellor from time to time to attach the several Commissioners of the Court of Bankruptcy appointed to act in the country to such districts described by Her Majesty, with the advice of her Privy Council, as he shall think fit.

XLIII. That a minute of every petition filed by any trader under the provisions of the said recited Act as amended by this Act shall be transmitted to the Lord Chancellor's Secretary of Bankrupts at such time and in such manner and form as the Lord Chancellor shall direct.

And after reciting that it may be expedient that the Courts of Bankruptcy should hold sittings in some matters of bankruptcy, or petitions for protection from process, at some place or places at which such Courts have not hitherto been used to sit:—

It is Enacted,

XLIV. That it shall be lawful for the Lord Chancellor, at any time or times whenever it shall appear to him under the circumstances of the case to be expedient, by any order or orders, to give the necessary directions in that behalf; and every commissioner and deputy registrar acting under any such order shall have paid to him his travelling and other expenses, in the same manner and out of the same fund as travelling and other expenses are directed to be paid by the Act, 5 & 6 Vict. c. 122, intituled, 'An Act for the Amendment of the Law of Bankruptcy,' to any Commissioner or deputy registrar acting for or in aid of any Commissioner or deputy registrar in cases provided for by such Act.

XLV. That from and after the passing of this Act it shall be lawful for the Lord Chancellor to appoint some fit and proper person, such person being a barrister of not less than five years standing at the bar, or who shall have practised as a pleader for not less than five years, or who shall have held the office of registrar or deputy registrar of the Court of Bankruptcy for not less than five years, or an admitted attorney of one of Her Majesty's superior Courts at Westminster, or of Her Majesty's Court of Bankruptcy, in actual practice, of not less than five years standing on the roll of such court or courts, to be the taxing officer of the Court of Bankruptcy, and to be called the Master of the said court, at such salary, not exceeding 1,200*l.* *per annum*, as the Lord Chancellor shall think fit, and to be entitled to an annuity not exceeding two-thirds of such salary, if and when such officer shall be affected with some permanent infirmity disabling him from the due execution of his office, such salary or annuity, as the case may be, to be charged upon and paid (without any deduction except the tax on income) out of the same fund and at the same times and in like manner as the salaries or annuities, as the case may be, of the registrars and deputy registrars of the said Court; and as and when any vacancy shall occur in such office the same shall be

supplied by the Lord Chancellor, by the appointment of some other fit and proper person of like qualifications as aforesaid; and every such taxing officer shall hold his office during his good behaviour, and shall discharge his duties in person, except where otherwise provided by this Act, or by any regulation to be made under this Act, and may be removed from his office by the Lord Chancellor for misconduct; and the business to be transacted by such taxing officer, from and after the passing of this Act, shall be the swearing of such affidavits as may be sworn before any Commissioner, registrar, or deputy registrar of the Court of Bankruptcy, and the taxing of such costs taxable by any Court of Bankruptcy by virtue of any statute now or hereafter to be in force as the Lord Chancellor shall from time to time by any general or other order direct, subject to review of the Court authorized to tax the same; and the place, time, and manner in which the same shall be conducted shall be such as the Lord Chancellor shall by any such order direct.

XLVI. That upon the taxation by virtue of this Act of any bills of fees, charges, or disbursements there shall be paid to the Master such sum as the said Master shall decide, not less than 1s. nor more than the sum of 10s., and also 4d. a folio, over and above the said sum of 10s. for every folio exceeding twenty folios of such bill.

XLVII. That the sums so directed to be paid to and received by the Master, and also all fees received by him for swearing affidavits, shall be paid by him, at such times as the Lord Chancellor shall by any order direct, into the Bank of England, to the credit of the accountant in bankruptcy, to the account intituled "The Secretary of Bankrupts Account," after deducting thereout such sum as the Lord Chancellor shall think fit for the expenses of the said office; and all monies to be so paid in to the said account shall be applicable to all the purposes of the said account, and be subject to the like orders as other monies directed to be paid in to the said account.

XLVIII. Provided and enacted, That if the said Master shall from sickness or other unavoidable cause have occasion to be absent from the business of his office for a longer period than two months at any one time, then and in every such case it shall be lawful for the Lord Chancellor to give leave of absence, by his order in writing, to such Master, and, if necessary, to appoint a deputy in his place during such time as shall be expressed in such order; and the name of such deputy, and the cause and time of such absence, shall be stated in such order; and such deputy may, if occasion require it, be changed by the Lord Chancellor; and every deputy so appointed shall be paid out of the said fund as the salary of the said Master is chargeable upon such remuneration for his services as the Lord Chancellor shall direct in such order, not being in any case less than one third of the amount of the salary of such Master.

And after reciting that the registrars and deputy registrars of the Court of Bankruptcy, in addition to their respective salaries, are entitled to and now receive the surplus of certain fees authorized to be taken, and the payment or partial payment of such officers by fees has been found to be objectionable:—

It is Enacted,

XLIX. That instead of the salaries and surplus fees heretofore received by such registrars and deputy registrars there shall from and after the 11th of October next, be paid to them by the Governor and Company of the Bank of England, out of the fund placed to the credit of the accountant in bankruptcy, intituled, "The Secretary of Bankrupts Account," by virtue of any order or orders of the Lord Chancellor to be from time to time made for that purpose, and without any draft from the accountant in bankruptcy, the several salaries, hereinafter mentioned; that is to say, the net yearly sum of 1,200*l.* to each of the registrars of the said court appointed under an Act, 1 & 2 Will. 4. c. 56, intituled, 'An Act to establish a Court in Bankruptcy,' and his successors in such office; the net yearly sum of 1,000*l.* to each deputy registrar of the said Court, acting as such in the city of London, and his successors in such office; and the net yearly sum of 800*l.* to each deputy registrar of the said court, acting as such in the country, and his successors in such office; which salaries shall be free from all taxes, deductions, and abatements whatsoever out of the same or any part thereof (except the tax on income), and shall be paid quarterly, on the 11th of January, the 11th of April, the 11th of July, and the 11th of October in every year, by equal portions; and that if any person for the time being holding any of the said offices shall die, resign, or be removed from the same, the executor or administrator of the person so dying, or the person so resigning or being removed, shall be entitled to receive such proportionable part of his salary as shall have accrued during the time that such person shall have executed his office since the last payment; and that the successor of any such person so dying, resigning, or being removed as aforesaid shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation, or removal.

L. That from and after the 11th of October next all fees received and taken by or accounted for and paid over to the chief registrar of the Court of Bankruptcy shall be paid by him, at such times as the Lord Chancellor shall by any order direct, into the Bank of England, to the credit of the accountant in bankruptcy, to the account intituled "Interest arising from the Bankruptcy Fund Account," after deducting thereout such sum as the Lord Chancellor shall think fit for stationery and other incidental expenses of the offices of the chief registrar and the Court of Review; and that the salaries and sums of money to clerks, ushers, and other under officers of the Court of Bankruptcy heretofore paid by the chief registrar out of such fees shall thenceforth be paid by the Governor and Company of the Bank of England out of the fund standing to such account, under such order or orders as may from time to time be made by the Lord Chancellor, but subject and without prejudice to the payment of all salaries and sums of money by any Act or Acts now in force directed or authorized to be paid thereout; and that on or before the 1st of March 1845, if Parliament be then sitting or, if not, within fourteen days from the commencement of the then next session of Parliament, there shall be laid before Parliament by the said chief registrar a return, made up to the 31st of December then last, of the total amount of all fees received by or accounted for and paid over to him, and of the payment over to the Bank of England (such payment over to the Bank of England to be certified by the accountant in bankruptcy), and that a like return shall be afterwards made by him annually at the same period for the year ending the 31st of December then last.

LI. That it shall be lawful for the Lord Chancellor, by any order or orders to be by him from time to time made on a petition to be presented to him for that purpose, to order (if he shall think fit) an annuity or clear yearly sum of money to be paid to any person executing the office of chief registrar, registrar, or deputy registrar of the Court of Bankruptcy, and

acting in London or in the country, not exceeding two-thirds of the yearly salary which such person shall under this Act be entitled to at the time of presenting such petition, to be paid out of the interest and dividends that have arisen or may arise from the securities now or hereafter to be placed in the Bank of England to the account intituled "The Bankruptcy Fund Account," (but subject and without prejudice as aforesaid,) if and when such person shall be afflicted with some permanent infirmity disabling him from the due execution of his office, and shall be desirous of resigning the same; and the annuity or yearly sum mentioned in such order or orders shall be paid by the Governor and Company of the Bank of England out of the interest and dividends of the said securities (but subject and without prejudice as aforesaid) by equal quarterly payments, on the 5th of January, the 5th of April, the 5th of July, and the 10th of October in every year, to such person, from the period when he shall resign his said office, for the term of his life, free from taxes, except the tax on income.

And after reciting that one of the deputy registrars of the Court of Bankruptcy has since the 21st of November 1842 performed the duties of taxing officer; and during that period the duties of deputy registrar were discharged by Thomas Acton Warburton Esquire, Barrister at Law,—

It is Enacted,

LII. That out of the fund placed to the credit of the accountant in bankruptcy, intituled "The Secretary of Bankrupts Account," there shall be paid to the said Thomas Acton Warburton, by the Governor and the Company of the Bank of England, by virtue of an order in writing of the Lord Chancellor, such sum of money, not exceeding 800*l.*, as the Lord Chancellor shall think reasonable.

LIII. That the Court authorized to act in the prosecution of any fiat in bankruptcy or any petition for protection from process shall have power, whenever it shall seem expedient to such Court, to direct a deputy registrar of such court to act in the prosecution of such fiat or petition for proof of debts and the examination of parties or witnesses on oath, or for either of such purposes, subject to such rules and regulations as the Lord Chancellor shall from time to time think fit to make in that behalf; the travelling expenses of such officer to be settled by such Court, and paid out of the estate of the bankrupt or petitioner, as the case may be; and such officer so acting shall have and exercise the power vested in such Court for proof of debts and examination of parties or witnesses, except the power of commitment: Provided always, that all such examinations of parties or witnesses shall be taken down in writing, and shall be annexed to and form part of the proceedings under such fiat or petition, as the case may be.

LIV. That from and after the passing of this Act the deputy registrars of the Court of Bankruptcy and their successors, whether acting in London or in the country, shall be called the registrars of the said Court.

And after reciting that by an Act, 5 & 6 Will. 4. c. 29, intituled "An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of England belonging to Bankrupts Estates, and applying the Interest thereon in Discharge of the Expenses of the Court of Bankruptcy; and for the Relief of the Suitors in the said Court; and for removing doubts as to the extent of the powers of the Court of Review and of the Subdivision Courts," it is enacted, that the salaries hereinbefore provided shall be in lieu of all fees and emoluments whatsoever, and that all such fees and emoluments, whether for commission, brokerage, or otherwise, as are now receivable by the said accountant general of the Court of Chancery in matters of bankruptcy, shall, from and after the appointment of the said accountant in bankruptcy, be received by him and paid into the Bank in the name of the said last-mentioned accountant, and be carried to the credit of the said account to be intituled "Interest arising from the Bankruptcy Fund Account," and be applicable to all the purposes of the said account: and that the said enactment requires alteration;—

It is Enacted,

LV. That the said enactment shall be repealed.

LVI. That the salary allowed to the accountant shall be in lieu of all fees and emoluments whatsoever, and that the accountant shall not, directly or indirectly, receive any sum either for commission, brokerage, or otherwise, but only the sum expressly allowed to him as his salary; that from henceforth the broker shall transact the brokerage business of the accountant's office upon such terms as the accountant and any two of the Commissioners of the Court of Bankruptcy to be appointed by the Lord Chancellor shall, with the approbation of the Lord Chancellor, determine; and that the sum paid to the broker shall be charged by the accountant to the estate for which the investment or sale shall be made; and that when such sum to be paid to the broker shall be determined it shall be lawful for the Lord Chancellor to direct the payment or any part of it to be made from such time retrospectively and prospectively as to him may seem just.

And after reciting that it is expedient to limit the present power of arrest upon final process;—

It is Enacted,

LVII. That from and after the passing of this Act no person shall be taken or charged in execution upon any judgment obtained in any of Her Majesty's superior courts, or in any county court, court of requests, or other inferior court, in any action for the recovery of any debt wherein the sum recovered shall not exceed the sum of 20*l.*, exclusive of the costs recovered by such judgment.

LVIII. That all persons in execution at the time of passing this Act, upon any judgment obtained in any of the courts aforesaid in any action for the recovery of any debt wherein the sum recovered shall not exceed the sum of 20*l.*, exclusive of the costs recovered by such judgment, shall and may, upon the application of every such person or persons for that purpose, made at any time after the passing of this Act, to a Judge of one of Her Majesty's superior courts of law at Westminster, or to the Court in which such judgment shall have been obtained, to the satisfaction of such Judge or Court, be forthwith discharged out of custody as to such execution by an order of such Judge or Court: Provided always, that if it shall happen that any such discharge shall have been unduly or fraudulently obtained upon any false allegation of circumstances, which, if true, might have entitled the prisoner to be discharged by virtue of this Act, such prisoner shall, upon the same

being made to appear to the satisfaction of the Judge or Court by whose order such prisoner shall have been so discharged, be liable to be again taken in execution, and remanded to his former custody by an order of such Judge or Court: Provided also, that no sheriff, gaoler, or other person whatsoever shall be liable as for the escape of any such prisoner in respect of his enlargement during such time as he shall have been at large by means of such his undue discharge as aforesaid: Provided also, that, for and notwithstanding the discharge of any debtor or debtors by an order of any such Judge or Court in manner aforesaid, the judgment whereupon any such debtor or debtors was or were taken or charged in execution shall nevertheless remain and continue in full force to the intent and purpose that the judgment creditor or creditors may have and take remedy and execution upon every such judgment against the property and effects of any such debtor or debtors, in such manner and form as such creditor or creditors otherwise could or might have done in case such debtor or debtors had never been taken or charged in execution upon such judgment, and it shall be lawful for such creditor or creditors to have and take such remedy and execution.

LIX. Provided and enacted, That if at any time it shall appear to the Judge who shall try such cause, being either a Judge of one of the superior courts, or a barrister or attorney at law, that the defendant, in incurring the debt or liability which may be the subject of demand, has obtained credit from the plaintiff under false pretences, or with a fraudulent intent, or has wilfully contracted such debt or liability without having at the same time a reasonable assurance of being able to pay or discharge the same, or shall have made or caused to be made any gift, delivery, or transfer of any personal property, or shall have removed or concealed the same with an intent to defraud his creditors or any of them, it shall be lawful for such Judge, if he shall think fit, to order that such defendant may be taken and detained in execution upon such judgment in like manner and for such time as he might have been if this Act had not been passed, or for any time not exceeding six calendar months in any case in which the time for which a person taken in execution under process issuing out of any such court could lawfully be detained in custody, according to the constitution of the said Court, before the passing of this Act, is less than six calendar months, whether or not execution against the goods and chattels of such defendant shall have issued as hereinafter provided.

LX. That whenever the Judge of any such Court shall have made an order for the payment of money the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom such order shall be made; and the clerk of the said court, at the request of the party prosecuting such order, shall issue, under the seal of the court, a writ of *heri facias*, as a warrant of execution to one of the bailiffs of the court, who by such warrant shall be empowered to levy, by distress and sale of the goods and chattels of such party within the jurisdiction of the said Court, such sum of money as shall be so ordered, and also the costs of the execution; and all constables and other peace officers within their several jurisdictions shall aid in the execution of every such warrant.

LXI. That if the Judge of any such court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue against the party until after default in payment of some instalment according to such order, and execution or successive executions may then issue for the whole of the said sum of money and costs then remaining unpaid, or for each successive instalment and costs remaining from time to time unpaid, as the Judge shall order, either at the time of making the original order, or at any subsequent time, under the seal of the court.

LXII. That if it shall at any time appear to the satisfaction of the Judge of any such court, by the oath or affirmation of any person, or otherwise, that any defendant is unable, from sickness or unavoidable accident, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his discretion, to suspend or stay any judgment, order, or execution given, made, or issued in such action for such time as the Judge shall think fit, and so from time to time until it shall appear, by the like proof as aforesaid, that such temporary cause of disability has ceased.

LXIII. That in or upon every such warrant of execution issued against the goods and chattels of any person whomsoever the clerk of the court shall cause to be inserted or indorsed the sum of money and costs adjudged, with the increased costs allowed for such execution; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the clerk of the said court, or to the bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with such fees as shall have been lawfully incurred by him in the suit on which such execution issued, the execution shall be superseded.

LXIV. That in case any bailiff of any such court who shall be employed to levy any execution against goods and chattels shall, by wilful or notorious neglect or connivance or omission, lose the opportunity of levying any such execution, then, upon complaint of the party aggrieved by reason of such neglect, connivance, or omission, (and the fact alleged being proved to the satisfaction of the Court out of which execution issued, on the oath of any credible witness,) the Judge shall order such bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution issued, and the bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, it may be recovered against him by such ways and means as are provided for the recovery of debts adjudged in the said court.

LXV. That if any bailiff or officer of any such court, acting under colour or pretence of the process of the said court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of the Court, it shall be lawful for the Judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any suit before him may be enforced, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as he shall think just; and in default of payment of any money so ordered to be paid the same may be recovered by such ways and means as are provided for the recovery of debts adjudged in the said court.

LXVI. That every sale of goods which shall be taken in execution under process issuing from any such Court for the recovery of small debts shall be taken to be within all the provisions of an Act, 7 & 8 Geo. 4. c. 17, intituled, 'An Act to extend the Provisions of an Act made in the Fifty-seventh Year of King George the Third, for regulating the Costs of certain Distresses.'

LXVII. That no landlord of any tenement let at a weekly rent shall have any claim or lien upon any goods taken in execution under the process of any court of law for more than four weeks arrears of rent; and if such tenement shall be let for any other term less than a year the landlord shall not have any claim or lien on such goods for more than the arrears of rent accruing during four such terms or times of payment.

LXVIII. That if any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any court for the recovery of small debts, or in respect of the proceeds or value thereof, by any landlord for rent, or by any person not being the party against whom such process has issued, it shall be lawful for the clerk of the court out of which such execution issued, upon application of the officer charged with the execution of such process, either before or after any action brought against such officer, to issue a summons calling before the Court out of which such execution issued both the party issuing such process and the party making such claim, and thereupon any action which shall have been brought in any of Her Majesty's superior courts at Westminster, or in the Court of Common Pleas at Lancaster, or in any local or inferior court, in respect of such claim, shall be stayed; and the Court in which such action shall have been brought, or any Judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons; and the Judge of the court for the recovery of small debts out of which such execution issued shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit; and such order shall be enforced in like manner as any order made in any suit brought in such court.

LXIX. That where any distress shall be made for any sum of money to be levied by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

LXX. That every person entitled to any fees or salary for his services as a Judge or other officer of any court, and every keeper or other officer of any debtors prison, whose emoluments shall be diminished under the operation of this Act, so far as the same relates to or restrains imprisonment for debt, shall be entitled to make a claim for compensation to the Commissioners of Her Majesty's Treasury within twelve calendar months after the passing of this Act; and it shall be lawful for the said Commissioners, in such manner as they shall think proper, to inquire what were the lawful fees and emoluments of the claimant or claimants before the passing of this Act in respect of which such compensation should be allowed, and how the same have been affected under this Act, by reason of the decrease of the number of causes or otherwise; and the Commissioners in each case shall take into account the manner of appointment of every such Judge, officer, and person, and his term or interest in his office or employment, and all other circumstances of the case, and shall award such gross or yearly sum, and for such time, as they shall think just to be awarded, upon consideration of the special circumstances of each case, and shall order and direct such compensation to be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

LXXI. That the Commissioners of Her Majesty's Treasury shall have power from time to time to appoint such and so many persons to be Commissioners for enabling them to ascertain the amount of compensation to be awarded under this Act as to them shall appear fit and necessary; and every such Commissioner shall ascertain the gross and net annual value, according to a fair average of seven years before the passing of this Act, or, if the Court shall not have been established with its present jurisdiction for seven years, then for the period during which the Court shall have been established with its present jurisdiction, of any fees and emoluments the consideration of which shall be referred to him by the said Commissioners of the Treasury, and shall be empowered to inquire into and ascertain as well the legality as the amount of such fees and emoluments, and the manner of appointment of the person entitled thereto, and his term or interest in his office or employment, and such other circumstances of the case as shall be necessary for ascertaining the amount of such compensation.

And after reciting that there are divers courts of requests and other inferior courts for the recovery of small debts not provided over by a barrister or an attorney at law as Judge or assessor;—

It is Enacted,

LXXII. That it shall be lawful for the Commissioners of any such court, if they shall think fit, with the approval of one of Her Majesty's principal Secretaries of State, to appoint any person, being a barrister, who shall have practised as a barrister for at least seven years then last past, or an attorney at law of one of the superior courts of common law at Westminster, or of the Court of Common Pleas at Lancaster, who shall have practised as an attorney for at least ten years, to be the assessor of such court, and to direct what fees shall be paid to such assessor by the suitors of such court, not exceeding the fees in the Schedule marked (B.) hereunto annexed; and it shall be lawful for the said Secretary of State to remove any such assessor for incompetence or misbehaviour: Provided always, that no assessor so to be appointed shall be deemed to be entitled to any compensation for the loss of his office, or for any diminution in the value thereof, by reason of the passing of any general Act for the recovery of small debts.

LXXIII. That in construing this Act the word "Property" shall mean and include all the real and personal estate and effects of the petitioner within this realm and abroad, (except the wearing apparel, and such other articles of the value in that behalf aforesaid as may by this Act be excepted from the operation of the said recited Act and this Act,) and all the future

estate, right, title, interest, and trust of such petitioner in or to any real or personal estate and effects within this realm or abroad which such petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him before he shall have obtained the final order, and all debts due or to be due to such petitioner before he shall have obtained such final order; and the words "Oath" and "Affidavit" shall mean and include affirmation, where by law such affirmation shall be required or may be taken in place of an oath; and all powers given to or duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and the word "Judge," as applied to any court for the recovery of small debts, shall mean and include the county clerk, judge, steward, and assessor, or the person holding or presiding in such court; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and bodies corporate as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; (unless, in the cases above specified a different construction shall be provided, or the construction be repugnant to the subject matter or context;) and the provisions of the said recited Act and of this Act shall be construed by analogy to the law of bankruptcy, except where otherwise therein respectively expressed, and in the most beneficial manner for promoting the ends intended by the said recited Act and by this Act.

LXXIV. That nothing herein contained shall be construed to repeal, affect, or in any manner alter the provisions of the said recited Act, except so far as herein above expressly provided, or except so far as the provisions of the said recited Act may be inconsistent with or at variance with the provisions of this Act.

LXXV. That this Act may be altered, amended, or repealed by any Act to be passed in the present session of Parliament.

SCHEDULE.

(A. No. 1.)

Form of Petition for Protection from Process.

To the Court of Bankruptcy, London,

To the District Court of Bankruptcy.

The humble petition of [*Insert at full Length the Name, Address, and Quality of the Petitioner, and also the Description of the Trade or Business or (if more than one) Trades or Businesses which he carries or has carried on during his Twelve Months Residence within the District of the Court.*] Sheweth, That your Petitioner is not a Trader within the Meaning of the Statutes now in force relating to Bankrupts.—[*If a Trader, strike out the Word "not" and add after the Word "Bankrupts" the Words "but owing Debts amounting in the whole to less than 300l."*]

That your Petitioner has resided Twelve Calendar months within the District of this Honourable Court; that is to say, [*Insert the Places and Periods of Residence.*]

That your Petitioner has become indebted to divers Creditors, whose names are inserted in the Schedule (A.) [*or, as the Case may be,*] to this his Petition annexed, and that he is unable to pay his Debts in full.

That your Petitioner has examined the said Schedule, and that such Schedule contains a full and true Account of your Petitioner's Debts, and the Claims against him, with the Names of his Creditors and Claimants, and the Dates of contracting the Debts and Claims severally, as nearly as such Dates can be stated, the Nature of the Debts and Claims, and Securities (if any) given for the same, and that there is reasonable ground in his belief for disputing so much of the Debts as are thereby mentioned as disputed, and also a true Account of the Nature and Amount of his Property, and an Inventory of the same, and of the Debts owing to him, with their Dates, as nearly as such Dates can be stated, and the Names of his Debtors, and the Nature of the Securities (if any) which he has for such Debts; and that the said Schedule doth also contain a Balance Sheet of so much of his Receipts and Expenditures as is required by this Honourable Court in that behalf, and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of your Petitioner and his Family, and his working Tools and Implements.

That your Petitioner has not parted with or charged any of his Property (except for the necessary Support of himself and his Family, and the necessary Expenses (not exceeding £) of this his Petition, or in the ordinary Course of Trade), at any Time within Three Months of the Date of filing this his Petition, or at any time with a view to this Petition.

That your Petitioner is desirous that his Estate should be administered under the Protection and Direction of this Honourable Court, and that he verily believes such estate is of the value of £ at the least unincumbered, and beyond the Value of his Wearing Apparel, and other Matter which your Petitioner is authorized to except by this Act, and that the same is available for the Benefit of his Creditors.

[*Omit this paragraph if no special proposal.*—That your Petitioner submits to this Honourable Court the Proposal for the Payment of his Debts contained in the said Schedule.

That your Petitioner is ready and willing to be examined from Time to Time touching his Estate and Effects, and to make a full and true Disclosure and Discovery of the same.

Your Petitioner, therefore, prays such Relief in the Premises as by the Statutes now in force for the Relief of Insolvent Debtors may be adjudged by this Honourable Court.

And your Petitioner shall ever pray, &c. &c.

Signed by the said Petitioner on the Day of 184 in the Presence of
of Attorney or Agent in the Matter of the said Petition

(A. No. 2.)

Affidavit verifying Petition and Schedule.

In the Court of Bankruptcy, London,

In the ^{or} District Court of Bankruptcy.

A.B. of the Petitioner named in the Petition hereunto annexed [*if the Petitioner affirm, after accordingly*], maketh Oath and saith, That the several Allegations in the said Petition, and the several Matters contained in the Schedule hereunto annexed, are true.
Sworn, &c.

(A. No. 3.)

Final Order for Protection from Process.

In the Court of Bankruptcy, London,

In the ^{or} District Court of Bankruptcy.

In the Matter of the Petition of of in the of an Insolvent Debtor, and not being a Trader within the Meaning of the Statutes now in force relating to Bankrupts [*or and being a Trader within the Meaning of the Statutes now in force relating to Bankrupts, but owing Debts amounting in the whole to less than Three hundred Pounds*].

Be it remembered, That the said having presented his Petition for Protection from Process to this Honourable Court, and such Petition having been duly filed in Court, and the said Petitioner having duly appeared, and been examined touching his Debts, Estate and Effects, and it appearing to the undersigned Commissioner that the said by virtue of the Statutes in that Case made and provided, is entitled to the Protection of his Person from being taken or detained under any Process whatever in respect of the several Debts and Claims hereinafter mentioned, a Final Order is hereby made to protect the Person of the said from being taken or detained under any Process whatever in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing his Petition from the said Petitioner to the several Persons named in his Schedule as Creditors or as claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to the said Petitioner before the time of filing his Petition, and which were not then payable, and as to the Claims of all other Persons not known to the said Petitioner at the Time of making this Order, who may be Indorsers or Holders of any negotiable Security set forth in his said Schedule: And it is hereby directed, that the Proposal of the said Petitioner, set forth in his Petition, for the Payment of his Debts, be carried into effect in the following manner; that is to say,

Given under my Hand, this

of

184 .

(Signed)

Commissioner.

SCHEDULE (B.)

<i>Assessor's Fees.</i>	<i>s.</i>	<i>d.</i>
For every Summons	1	0
For every Hearing or Trial	2	6
For every Order, and Decree, or Judgment	1	0

CAP. CI.

AN ACT for the further Amendment of the Laws relating to the Poor in England.

(9th August 1844.)

ABSTRACT OF THE ENACTMENTS.

1. Powers of making order on putative father to cease.
2. The putative father to be summoned to petty sessions, on application of mother of bastard.
3. Justices in petty session may make an order on the putative father for maintenance and costs, and enforce the same by distress and commitment.—*Proviso.*
4. Applications to be made within forty days.—*Appeal to Quarter Sessions for the putative father.*
5. Money under the order to be paid to the mother or to a person appointed by the Justices.—*Time of cessation of order.*

6. *Mother punishable for neglect or desertion of her bastard child.*
7. *Officers of parishes or unions not to receive money under the order, or to interfere in any respect.—Proceedings against putative father in case of death or incapacity of mother.*
8. *Penalties for promoting marriage of a mother of a bastard improperly misapplying monies, or maltreating a bastard child.*
9. *Existing orders, &c. not to be affected.—Orders made before 14th of August 1834 to cease on 1st January 1840.*
10. *Orders made by Justices acting in two adjoining counties to be valid, although not made in the county in which the parish is situate.*
11. *Clerks to Justices annually to make a return of summonses, orders, &c. to the clerks of the peace;—who shall transmit copies thereof to the Secretary of State, with lists of appeals.*
12. *Poor Law Commissioners to prescribe the duties of poor apprentices, and masters neglecting to fulfil them liable to penalty.—Guardians to bind poor children apprentices instead of overseers.*
13. *Compulsory apprenticeship abolished.*
14. *Repeal of so much of 4 & 5 Will. 4. c. 76. as relates to number of votes of owners and rate-payers.—Owners of property and rate-payers to vote according to the scale herein set forth.*
15. *Regulations as to votes of owners and of proxies.*
16. *So much of 4 & 5 Will. 4. as relates to not voting only to extend to poor-rates.*
17. *Annual election of guardians to take place within forty days after the 25th of March.*
18. *Number of guardians may be altered with reference to population, &c.*
19. *Parishes may be divided into wards.*
20. *Qualifications of guardians in wards.*
21. *Voting in wards.*
22. *Restriction as to separate overseers for townships.*
23. *Orders of Poor Law Commissioners valid, notwithstanding separate appointment of overseers.*
24. *Justices who reside in extra-parochial places or parishes within unions to be ex-officio guardians.*
25. *Relief of married women in certain cases to be subject to the same conditions as if they were widows.*
26. *Relief to widows in certain cases.—Proviso.*
27. *Expenses incurred for insane paupers may be levied off their estates.*
28. *Guardians under local Acts to have powers with respect to insane poor.*
29. *Guardians to apply money raised for emigration.*
30. *Cost of obtaining site of workhouses in the metropolitan police district, &c.*
31. *Burials of paupers.*
32. *Commissioners may combine parishes and unions into districts for audit of accounts.—Election of district auditors.—Their powers and duties.*
33. *Rate books, &c. to be made up seven days before the audit day.—Notice of time and place of audit.—Inspection of books.*
34. *Balances found before the passing of this Act may be discharged.*
35. *Certiorari for auditor's allowances or disallowances.*
36. *Persons aggrieved may apply to Commissioners, who may issue orders thereupon.*
37. *Cessation of powers of Justices to audit.—Existing district auditors may be retained.—Proviso.*
38. *Accounts may be rendered half-yearly.*
39. *Taxation and allowance of law bills.*
40. *Parishes and unions may, within certain limits, be combined into school districts.*
41. *Districts for providing asylums for houseless poor may be formed in the towns specified in Schedule (B.)*
42. *Constitution of the district boards for schools and asylums.*
43. *Powers and duties of district boards.*
44. *Powers of district board for purchasing and hire of land, &c.—Sums to be raised for providing schools or asylums not to exceed one fifth part of the average annual rates.*
45. *District board to hold property of the district as a corporation.*
46. *Payment of contributions to district boards.*
47. *Distribution of charges for schools.*
48. *Distribution of charges for asylums.*
49. *Appointment of auditors for district boards.*
50. *Guardians may visit and inspect asylums.*
51. *Children may be sent to district schools from parishes and unions not combined, but not distant more than twenty miles.*
52. *Repeal of the Acts 7 Geo. 3. c. 39. and 2 Geo. 3. c. 22.*
53. *Class of destitute poor to be relieved in such asylum.—Mode of admission into asylum.—Regulations with respect to poor persons admitted into such asylums.*
54. *Liabilities of persons relieved in such asylums.*
55. *Penalty for returning after removal.*
56. *Workhouse to be deemed to be situate in every parish of an union, &c.*
57. *Committal of offenders in workhouses to the gaol of the place to which the offenders belong.*
58. *Punishment of persons in workhouses for misconduct.*
59. *Costs of certain civil and criminal proceedings to be paid out of poor-rates.*
60. *Expenses of jury lists and boundaries of parishes may be paid out of poor-rates.*
61. *Collectors appointed by guardians may be appointed to perform the duties of assistant overseers.*
62. *Poor Law Commissioners, on application of board of guardians, may direct appointment of paid collector of poor-rates.*
63. *Penalty on overseers neglecting to obtain a supply of funds for the relief of the poor.*
64. *In what manner guardians under local Acts shall conduct their proceedings.—Parishes under local Acts, with a population exceeding 20,000, not to be united without consent of guardians.—Exception as to vagrant and audit districts.*

65. Parishes with a population exceeding 20,000, under local Acts, having adopted the provisions of 1 & 2 Will. 4. c. 60, and parishes in the metropolitan district having auditors, not to be included in any district for audit of accounts. — *Proviso.*
66. Commissioners may separate parishes from unions, or add parishes to unions, without the consent of the guardians of the union.
67. Repeal of 65 Geo. 3. c. 137. s. 7. as to notices of contracts for supplying workhouses.
68. Clerks and officers may conduct proceedings before Justices at petty sessions on behalf of board of guardians, although not certified attorneys.
69. Guardians, &c. may make a certain certificate, which may be received in evidence, &c.
70. Justices at petty sessions, or one of sessions, may summon witnesses, and compel them to attend and give evidence.
71. Rules, &c. printed by the printer authorised by Her Majesty to be received in evidence.
72. Evidence in legal proceedings of the transmission of the Commissioners' rules, &c.
73. Conveyances, &c. for workhouses to be good, although not enrolled.
74. Construction of Act 5 & 6 Vict. c. 57.
75. Act limited to England and Wales.
76. When Act to operate.
77. Act may be amended this session.

By this Act,

After reciting, that it is expedient to amend an Act, 4 & 5 Will. 4. c. 76, intituled 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,' and certain other Acts relating to the relief of the poor in England:—

It is Enacted,

I. That from and after the passing of this Act all powers for obtaining or making an order upon any putative father for the maintenance of a bastard child shall cease and determine, except as hereinafter provided.

II. That any single woman who may be with child, or who may be delivered of a bastard child, after the passing of this Act, or who has been delivered of a bastard child within the period of six calendar months before the passing of this Act, may either before the birth, or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, make application to any one Justice of the Peace acting for the petty sessional division of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged by her to be the father of such child; and if such application be made before the birth of the child the woman shall make a deposition upon oath stating who is the father of such child, and such Justice of the Peace shall thereupon issue his summons to the person alleged to be father of such child to appear at a petty session to be holden after the expiration of six days at least for the petty sessional division, city, borough, or other place in which such Justice usually acts.

III. That after the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person, or left at his last place of abode six days at least before the petty session, the Justices in such petty session shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father; and if the evidence of the mother be corroborated in some material particular by other testimony, to the satisfaction of the said Justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child under the provisions of this Act, of a sum of money weekly, and of such costs as may have been incurred in the obtaining of such order, including, if they think proper, 10s. for the midwife, and 10s. towards the funeral expenses of the child, provided it have died before the making of such order; and if the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said Justices think fit, be calculated from the birth of the child, at a rate not exceeding 5s. per week for the first six weeks after the birth of such child; and in other cases such sum shall not exceed 2s. 6d. per week from the time of the making of the application; and if at any time after the expiration of one calendar month from the making of such order as aforesaid it be made to appear to any one Justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such Justice may, by warrant under his hand and seal, cause such putative father to be brought before any two Justices; and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two Justices may, by warrant under their hands and seals, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by way of recognizance or otherwise, to the satisfaction of such Justices, for his appearance before two Justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient distress can be had, then any such two Justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common gaol or house of correction of the county, city, borough, or place where they have jurisdiction, there to remain without bail or mainprize for any term not exceeding three calendar months, unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to gaol or to the house of correction, and of the persons employed to convey him thither, be sooner paid and satisfied: Provided always, that if the woman have allowed the weekly payment to be in arrear for more than thirteen successive weeks, without application to a Justice, the man shall not be called upon to pay more than the

amount due for thirteen weeks in discharge of the whole debt, and no warrant of distress shall be issued for more than the amount of arrears for thirteen weeks payment in discharge of the whole arrears or debt.

iv. That the Justices in petty session as aforesaid may adjourn the hearing of the case as often as to them may seem fit; but no such order shall be made unless applied for at such petty sessions within the space of forty days from the service of the summons after the birth of the bastard child on the person alleged to be the father of such bastard child; and if within twenty-four hours after the adjudication and making of any order on the putative father as aforesaid such putative father give notice of appeal to the mother of the bastard child, and also within seven days give sufficient security, by recognizance or otherwise, for the payment of costs, to the satisfaction of some one Justice of the Peace, it shall be lawful for such putative father to appeal to the General Quarter Sessions of the Peace to be holden after the period of fourteen days next after the making of the said order for the county, city, borough, or place for which such petty session may have been held; and the Justices in such Quarter Sessions assembled, or the recorder, as the case may be, shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to them or him may seem fit.

v. That all money payable under any order as aforesaid shall be due and payable to the mother of the bastard child in respect of such time and so long as she lives and is of sound mind, and is not in any gaol or prison, or under sentence of transportation; and after the death of the mother of such bastard child, or whilst such mother is of unsound mind, or confined in any gaol or prison, or under sentence of transportation, any two Justices may, if they see fit, by order under their hands and seals from time to time appoint some person who, with his own consent, shall have the custody of such bastard child, so long as such bastard child is not chargeable to any parish or union, and any two such Justices may revoke the appointment of such person, and may appoint another person in his stead; and every person so appointed to have the custody of a bastard child shall, so long as such child is not chargeable to any parish or union, be empowered to make application for the recovering of all payments becoming due under the order of the court of petty session as aforesaid, in the same manner as the mother of such bastard child might have done; and the clerk to the Justices making any order on the putative father of a bastard child, or appointing any person to have the custody of such child, as hereinbefore provided, shall as soon as may be send by post or otherwise a duplicate of such order or appointment, signed by such clerk, to the clerk to the guardians of the union or parish in which the mother of such bastard child resided at the time of making such order or appointment: Provided always, that no order for the maintenance or support of any such bastard child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years, or after the marriage of the mother of such child, or after the death of such child.

vi. And it is declared and enacted, That every woman neglecting to maintain her bastard child, being able wholly or in part so to do, whereby such child becomes chargeable to any parish or union, shall be punishable as an idle and disorderly person, under the provisions of an Act, 5 Geo. 4. c. 83, intituled 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of the United Kingdom called England;' and every woman so neglecting to maintain her bastard child, after having been once before convicted of such offence, and every woman deserting her bastard child, whereby such bastard child becomes chargeable to any parish or union, shall be punishable as a rogue and vagabond, under the provisions of the said last-recited Act.

vii. That it shall not be lawful for any Justice of the Peace to appoint any officer of any parish or union to have the custody of any bastard child as hereinbefore provided, or for any officer of any parish or union, clerk of Justices, or constable, to receive any money in respect of any bastard child under an order of petty session as aforesaid, or as such officer to conduct any application to make or enforce such order, or in any way to interfere as such officer in causing such application to be made, or in procuring evidence in support of such application, under a penalty of 40s., to be levied on conviction before any two Justices as penalties and forfeitures under the said first-recited Act: Provided always, that after the death of such mother, or if such mother be incapacitated as aforesaid, so often as any bastard child for whose maintenance such order of petty sessions has been made, becomes chargeable to any parish or union by the neglect of the putative father to make the payments due under the orders of Justices, then and in such case it shall be lawful for any board of guardians of an union or parish, or if there be no such board of guardians for the overseers of any parish or place, to make such application for the enforcement of the order as might have been made by the mother of such bastard child if alive; but all payments for the maintenance of such child made in pursuance of such application shall be made to some person to be from time to time appointed by the Justices as hereinbefore provided, and on condition that such bastard child shall cease to be chargeable to such parish or union.

viii. That if any officer of a union, parish, or place endeavour to induce any person to contract a marriage by threat or promise respecting any application to be made or any order to be enforced with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanour; and every person having the custody of any bastard child under any order of Justices, as hereinbefore provided, who may misapply monies paid by the putative father for the support of such child, or may withhold proper nourishment from such child, or otherwise abuse and maltreat such child, shall, on conviction before any two Justices, forfeit and pay a sum not exceeding 10l.

ix. That nothing in this Act contained shall affect the validity of any orders for the maintenance of a bastard child made by Justices in quarter or petty sessions before the passing of this Act; but no such order made before the 14th of August 1834 shall be in force after the 1st of January 1849, and that all proceedings actually pending before Justices in quarter sessions or petty sessions at the time of the passing of this Act may be continued, and orders made therein in the same manner as if this Act had not been passed.

And after reciting that various unions established under the authority of the said recited Act are situate partly in one county, riding, or division, and partly in an adjoining county, riding, or division: and that doubts have been entertained whether any Justice of the Peace acting under two commissions for different counties, ridings, or divisions can legally make

orders in bastardy when acting in petty sessions within the limits of one of such commissions, for such parts of such unions as are situate within the limits of the other of such commissions: and that it is expedient to remove all such doubts with regard to orders which have before the passing of this Act been made under such circumstances:—

It is Enacted,

x. That all orders in bastardy which have been made by any Justices of the Peace acting as such under two commissions for any two adjoining counties, ridings, or divisions, shall, although not made within the county, riding, or division in which the parish interested in the order, or any part thereof, is situate, be as valid, good, and effectual in the law, to all intents and purposes, as if they had been made within such county, riding, or division.

xi. That every clerk to the Justices shall once in each year, (that is to say,) as soon as may be after the 1st of January, make up, in the form in the Schedule (A.) annexed to this Act, and forward to the clerk of the peace, a complete list of summons issued, applications heard, and orders made as aforesaid since the 1st of January of the year preceding, by the Justices to whom he acts as clerk; and every clerk of the peace shall receive such lists, and shall, on demand of the clerk to the Justices, acknowledge under his hand the receipt of any such list, and shall preserve the said lists, and shall, as soon as may be after the receipt of such lists, transmit copies thereof, duly certified, to Her Majesty's Principal Secretary of State for the Home Department, and shall also transmit a list of all the cases in which appeals have been made to the Court of Quarter Sessions during the same period, with the result of every such appeal; and it shall be lawful for the Justices of the Peace, at their respective General Quarter Sessions of the Peace, to make and settle a fee or fees to be paid to every such clerk to the Justices for every such list; and on production by any such clerk to the Justices of the acknowledgment by the clerk of the peace of the receipt of such list the treasurer of the county shall pay the fee so made and settled, and due in respect of any such list, out of the county stock in the hands of such treasurer.

xii. That the Poor Law Commissioners may, by order under their hands and seal, prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures by which such children may be so bound as apprentices; and every master of such apprentice who wilfully refuses or neglects to perform any of such terms or conditions so inserted in any such indenture shall be liable, upon conviction thereof before any two Justices, to forfeit any sum not exceeding 20*l.*; and that after the 1st of October next no poor child shall be bound apprentice by the overseers of any parish included in any such union or subject to a board of guardians under the provisions of the first-recited Act, but it shall be lawful for the guardians of such union or parish respectively to bind any such poor child to be an apprentice, and in such case the indentures of apprenticeship shall be executed by the said guardians, and shall not need to be allowed, assented to, or executed by any Justice or Justices of the Peace, and the guardians shall have all the powers for binding or assigning any such apprentice which are now possessed by overseers, and shall cause all apprentices so bound or assigned by them to be registered by their clerk according to the form prescribed by 42 Geo. 3. relating to the registration of parish apprentices, so far as the same may be applicable to such binding or assignment: Provided always, that nothing herein contained shall directly or indirectly interfere with the provisions of any Act of Parliament relating to apprentices to be bound to the sea service.

xiii. That after the passing of this Act so much of 43 Eliz. c. 2 intituled, 'An Act for the Relief of the Poor,' and so much of 8 & 9 Will. 3. c. 3, intituled 'An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom,' or of any other Act of Parliament, whether general or local, as compels any person to receive any poor child as an apprentice, shall be and is hereby repealed.

And after reciting that by the said first-recited Act it is provided, that in every case of an election of guardians under the said Act, or whenever the consent of owners of property or rate-payers in any parish or union may be required for any of the purposes of the said Act, the owner, as well as the rate-payer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by 58 Geo. 3. c. 69, intituled 'An Act for the Regulation of Parish Vestries,' and in and by an Act to amend the same, 59 Geo. 3; and the rate-payers under 200*l.* shall each have a single vote; and the rate-payers rated at 200*l.* or more, but under 400*l.*, shall each have two votes; and the rate-payers rated at 400*l.* or more shall each have three votes: and that it is expedient that the number and proportion of votes of owners of property and of rate-payers respectively should be assimilated:—

It is Enacted,

xiv. That so much of the said Act as is above recited relating to the number and proportion of votes of owners of property and of rate-payers respectively shall be and the same is hereby repealed; and that in all cases in which by the said Act, or by any Act amending or extending the same, owners of property and rate-payers are entitled to vote, every owner of property and rate-payer shall have respectively the same number and proportion of votes, according to the scale following: (that is to say,) if the property in respect of which he is entitled to vote be rated upon a rateable value of less than 50*l.* he shall have one vote; if such rateable value amount to 50*l.* and be less than 100*l.*, he shall have two votes; if it amount to 100*l.* and be less than 150*l.*, he shall have three votes; if it amount to 150*l.* and be less than 200*l.*, he shall have four votes; if it amount to 200*l.* and be less than 250*l.*, he shall have five votes; and if it amount to or exceed 250*l.*, he shall have six votes.

xv. That no owner of property shall be entitled to vote as such, under the provisions of the said recited Act, either in person or proxy, during the year following the 25th of March in any year, unless before the 1st of February next preceding such 25th of March he had given to the overseers the statement required by the said Act, signed by him, nor unless such statement contain a description of the nature of the interest or estate he may have in such property, and a statement of the amount of all rent service (if any) which he may receive or pay in respect thereof, and of the persons from whom he may receive or to whom he may pay such rent service; and no person shall be entitled to vote as proxy until fourteen days after he have made his claim so to vote in the manner required by the said Act; and no person shall be entitled to vote as proxy

for more than four owners of property in any one parish (except he be a steward, bailiff, or land agent, or collector of rents for the owners of property for whom he may be appointed to vote); and no appointment of proxy shall remain in force for a longer period than two years from the making thereof, excepting only in the case in which an owner appoints his tenant, bailiff, steward, land agent, or collector of rents to be his proxy, in which case such appointment shall remain in force so long as the proxy may continue to be such tenant, bailiff, steward, land agent, or collector, and while such appointment remains unrevoked; and the overseers of every parish containing a population exceeding 2000 persons, according to the last enumeration of the population published by the authority of Parliament, shall, on or before the 5th of the month of February in every year, enter in the book to be from time to time provided for the purpose the names and addresses of all persons who before the 1st of the said month of February have given such statement or made such claims as owners or proxies as aforesaid; and such overseers shall allow any person to peruse such book without payment of any fee, at all reasonable hours between the said 5th and the 10th of February; and any person who has given such statement or made such claim, or any rate-payer of such parish, may, on or before the 15th of the said month of February, object to any other person as not being entitled to vote as such owner, by delivering to the clerk of the board of guardians of the said parish, or of the union in which it may be comprised, and at the address of the person objected to, notice in writing of the grounds of such objection; and on or before the 20th of such month of February such clerk shall send to the overseers of such parish notice of some day, between the 24th of the said month and the 1st of March then next, on which he or some person duly appointed for the purpose will hear evidence in relation to such objections, and of the place within the parish or union at which he or such other person will attend to hear such evidence; and such overseers shall forthwith cause a copy of such notice to be fixed on or near the doors of all churches or chapels within such parish, and at all the usual places of affixing notices of parochial business; and such clerk shall attend on the day and at the place so appointed, and shall, in the presence of all persons who may think fit to be present, hear any matter adduced in support of such grounds of objection, or in opposition thereto, but none other; and the overseers of the said parish shall then and there attend, and produce to such clerk the rate books of the parish for the whole year preceding, and shall answer all such questions as such clerk may put to them or any of them touching the matter of any such objection; and such clerk shall retain in the said book the name of all persons to whom no objection has been duly made, and of all persons objected to, unless the party objecting have appeared in support of his objection, and established such objection, and when the name of any person has been duly objected to, such clerk shall require proof of the right of such person to vote as owner; and in case any matter be adduced in support of the objection, and the right of the person objected to be not proved to the satisfaction of such clerk, he shall expunge the name of such person from such book; and such clerk shall have power to adjourn from time to time, and administer an oath to the overseers of any parish, and to all persons attending before him claiming a right to vote as owners or objecting to such right, and to all witnesses who may be tendered or examined on either side; and such clerk shall write his initials against every name struck out, and sign his name to every page of the said book; and the persons whose names as owners are retained by such clerk in such book shall be the only persons entitled to vote in such parish as owners of property for the year following the 25th of March next ensuing: Provided always, that the said Commissioners may, if they see fit, by order under their hands and seal, direct the guardians of such parish or union to appoint some person, other than the clerk to such guardians, as a paid officer, to hear and decide the matter of such objections as aforesaid, who shall have all such powers as are hereinbefore given to the clerk, and perform all such duties as are hereinbefore imposed on the clerk in that behalf: Provided also, that nothing herein contained shall affect any election in which proceedings have been commenced before the passing of this Act.

And after reciting that by the said first-recited Act it is provided that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of that Act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within six months immediately preceding such voting or acting:—

It is Enacted,

xvi. That such parochial rates and assessments shall be deemed to extend only to rates made for the relief of the poor.

And after reciting that in the said first-recited Act it is provided, that guardians of the poor elected under the provisions of that Act shall go out of office, and guardians for the ensuing year shall be chosen within fourteen days next after the 25th of March in every year: And that such period hath been found to be too short, and it is expedient to extend the same:—

It is Enacted,

xvii. That the period within which the annual election of guardians shall take place shall be extended to the period of forty days next after the said 25th of March, and that the guardians of the preceding year shall continue in office for the said period of forty days, or until the election of guardians for the succeeding year have taken place.

xviii. That it shall be lawful for the said Commissioners, having due regard to the relative population or circumstances of any parish included in a union, to alter the number of guardians to be elected for such parish, without such consent as is required by the said first-recited Act.

xix. That in every case in which a parish in which guardians are to be elected under the provisions of the said first-recited Act contains more than twenty thousand persons, according to the enumeration of the population then last published by authority of Parliament, it shall be lawful for the said Commissioners, by order under their hands and seal, for the purpose of conducting the election of guardians, to divide such parish into such and so many wards as they may deem expedient, so that no such ward shall contain a number of rated houses less than four hundred, and to determine the number of guardians to be elected for every such ward, having due regard to the value of the rateable property therein; and each such ward shall, for the purpose of every election of guardians, so far as the said Commissioners may direct, be considered as a separate parish.

XX. That in every case in which a parish is divided into wards for the purpose of electing guardians every person qualified to be elected as a guardian in the parish shall be qualified to be elected in any ward within the same parish; but no person shall at any election of guardians be elected for more than one ward within the same parish; and if at any such election a person be nominated in two or more wards, the returning officer at such election shall, if such person reside within the parish, give such person notice thereof in writing, to be left at his place of residence on the day following the last day fixed for the nomination of candidates, and such person, whether he reside in the parish or not, may at any time, until two days preceding the issuing of the voting papers, elect by notice in writing delivered to the returning officer any one ward for which he will stand an election; and if he do not so elect some one ward the returning officer shall place his name on the list of candidates for that ward only for which he was first duly nominated.

XXI. That no person entitled to vote shall give in the whole of the wards into which a parish may be divided a greater number of votes than he would be entitled to have given if the parish had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward; but, subject to the foregoing limitations, any ratepayer, owner of property, or proxy entitled to vote may, by notice in writing delivered to the overseers of the parish before the day appointed for the annual nomination of candidates, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards; and if he do not give such notice he shall not be entitled to vote for any ward in which he does not reside.

XXII. That after the passing of this Act it shall not be lawful to appoint separate overseers for any township or village or other place for which before the passing of this Act separate overseers had not been lawfully appointed.

XXIII. Declared and enacted, That in all cases in which overseers have for the first time been separately appointed for any township or village since the 14th of August 1834 all orders of the Poor Law Commissioners, determining the number of guardians, or ascertaining the averages of any such township or village, or of any portion of the parish from which such township or village had been separated, shall be and be deemed to be good and valid in law, notwithstanding such separate appointment of overseers.

XXIV. That when any union has been formed under the provisions of the said first-recited Act, or where the said Commissioners have under the provisions of the said Act directed that the laws for the relief of the poor of any single parish shall be administered by a board of guardians, every Justice of the Peace acting for the county, riding, or division in which such union or parish, or any part thereof, is situated, and residing in any extra-parochial place the boundary line of which, or the greater part of the boundary line of which, is included within or coincident with the boundary line of such union or parish, shall be *ex officio* a guardian of such union or parish; and every Justice of the Peace residing in any parish within such a union, and acting for any county, riding, or division in which any part of such union is situated shall be *ex officio* a guardian of such union.

XXV. That so long as it may appear that the husband of any woman is beyond the seas, or in custody of the law, or in confinement in a licensed house or asylum as a lunatic or idiot, all relief given to such woman, or to her child or children, shall, notwithstanding her coverture, be given to such woman in the same manner and subject to the same conditions as if she was a widow; but nothing herein contained shall diminish or affect the obligations or liabilities of such husband in respect of such relief.

XXVI. That in the case of any person being a widow having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in any union in which such parish is comprised, it shall be lawful for the guardians of such parish or union, if they see fit, to grant relief to such widow, although not residing in such parish or union: Provided always, that, notwithstanding anything herein contained, the guardians of any union or parish, and the overseers of any parish, in which such widow may be resident or may require relief, shall be and remain liable to relieve such widow in the same manner as any other person requiring relief in such union or parish.

XXVII. That if it be made to appear to any two Justices that any insane person, lunatic, or idiot chargeable to any parish hath an estate more than sufficient to maintain his family, they shall by order under their hands and seals direct the overseers of the parish to which such person is chargeable to seize so much of any money, to seize and sell so much of any goods and chattels, or to receive so much of the rent of the lands or tenements of such person who is proved to such Justices to be necessary to pay any charges incurred in providing for the removal, maintenance, clothing, medicine, and care of such person; and if any trustee or other person having the possession, custody, or charge of any property of an insane person, lunatic, or idiot, or if the Governor and Company of the Bank of England, or any other person or persons, having in his or their hands any stock, interest, dividend, or annuity due to any such insane person, lunatic, or idiot, pay any money to any overseer or to any guardians of the poor to defray the charges incurred by any parish in the removal, maintenance, clothing, medicine, or care of such insane person, lunatic, or idiot, the receipt of such overseer or of the clerk of such guardians shall be a good discharge to such trustee or other person aforesaid.

XXVIII. That the guardians of every parish or union appointed under any local Act, and their officers appointed to act in the relief of the poor, and their clerks, shall, from and after the passing of this Act, have the like powers and shall be liable to perform the same duties with respect to insane persons as are provided in the case of guardians appointed under the provisions of the said first-recited Act, their relieving officers and their clerks respectively.

XXIX. That the guardians of any parish or union constituted by the said Commissioners shall apply all money raised or borrowed for the purpose of defraying the expenses of emigration in such parish or in any parish within such union, subject to the conditions and restrictions imposed by the said first-recited Act.

XXX. That in addition to the principal sum or sums of money which guardians are empowered by the said first-recited Act to raise or borrow for the purpose of purchasing, hiring, building, enlarging, or altering workhouses, or buildings to be

converted into workhouses, the guardians of any parish or union any part of which is situated within the metropolitan police district, or the city of London, or the select vestry of the parish of Liverpool, may, with the consent of the Poor Law Commissioners, also raise or borrow and charge the future poor rates of such parish or union with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required as the site of such workhouse, or of any additions to any such workhouse.

XXXI. And it is declared and enacted, That it shall be lawful for guardians, or where there are no guardians for the overseers, to bury the body of any poor person which may be within their parish or union respectively, and to charge the expense thereof to any parish under their controul to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be; and unless the guardians, in compliance with the desire expressed by such person in his lifetime, or by any of his relations, or for any other cause, direct the body of such poor person to be buried in the churchyard or burial ground of the parish to which such person has been chargeable (which they are hereby authorized to do), every dead body which the guardians or any of their officers duly authorized shall direct to be buried at the expense of the poor rates shall (unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise desired,) be buried in the churchyard or other consecrated burial ground in or belonging to the parish, division of parish, chapelry, or place in which the death may have occurred; and in all cases of burial under the direction of the guardians or overseers as aforesaid the fee or fees payable by the custom of the place in which the burial may take place, or under the provisions of any Act of Parliament, shall be paid out of the poor rates, for the burial of each such body, to the person or persons who by such custom or under such Act may be entitled to receive any fee: Provided always, that it shall not be lawful for any officer connected with the relief of the poor to receive any money for the burial of the body of any poor person which may be within the parish, division of parish, chapelry, or place in which the death may have occurred, or to act as undertaker for personal gain or reward in the burial of any such body, or to receive any money from any dissecting school or school of anatomy, or hospital, or from any person or persons to whom any such body may be delivered, or to derive any personal emolument whatever for or in respect of the burial or disposal of any such body; and any such officer offending as aforesaid shall, on conviction thereof before any two Justices, forfeit and pay a sum not exceeding 5*l*.

XXXII. That it shall be lawful for the said Commissioners from time to time, by order under their hands and seal, to combine the parishes and unions in England and Wales into districts for the audit of accounts, and from time to time to add any parish or union to any such district, or separate any parish or union therefrom; and the chairman and vice chairman of each board of guardians constituted under the said first-recited Act or any other Act, or if there be no chairman or vice chairman of any guardians constituted under any other Act, then some two of their number to be selected by such last-mentioned guardians, or if there be no such body then some two of the overseers to be selected by the overseers respectively acting within the district, shall elect, at the time and in the manner to be prescribed by the said Commissioners, a person to be the auditor of the district; but in any case in which there are two vice chairmen appointed in any board of guardians such board of guardians shall select one of the vice chairmen, who shall vote in the election of such auditor; and the said Commissioners shall have all the powers with regard to the salaries of the said auditors to be charged on the poor rates, and to all other matters relating to auditors for such districts, as they have under the said first recited Act with regard to paid officers; and every auditor appointed for such a district shall have full powers to examine, audit, allow, or disallow of accounts, and of items therein, relating to monies assessed for and applicable to the relief of the poor of all parishes and unions within his district, and to all other money applicable to such relief; and such auditor shall charge in every account audited by him the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which any such person is accountable, but not brought by him into account against such person, and shall certify on the face of every account audited by him any money, books, deeds, papers, goods or chattels, found by him to be due from any person; and when any such auditor has so certified any money, books, deeds, papers, goods or chattels, to be due from any person, he shall forthwith report the same to the said Commissioners; and the person from whom any money is so certified to be due shall within seven days pay or cause to be paid such money to the treasurer of the guardians of the union or parish, if there be any such treasurer; and in the case of a union such money shall be applied by the guardians to the use of all or any of the parishes included in such union, according as all or any of such parishes may be interested in the sum so paid; and all books, deeds, papers, goods and chattels, and in the case where there is no treasurer as aforesaid all monies so certified to be due, shall be delivered over or paid, within seven days of the same being certified, to the person or persons authorized to receive the same; and if any such money, books, deeds, papers, goods or chattels, be not duly paid or delivered over as hereinbefore directed, the said auditor, or any auditor subsequently appointed, shall proceed, as soon as may be, to enforce the payment or delivering over of the same; and all monies so certified to be due by such auditor shall be recoverable as so certified from all or any of the persons making or authorizing the illegal payment, or otherwise answerable for such monies, and shall be recovered on the application of such auditor, or of any such auditor subsequently appointed, or by any person for the time being entitled or authorized to receive the same, in the same manner as penalties and forfeitures may be recovered under the provisions of the said first-recited Act; and the expenses attending such proceeding or recovery shall (except so far as the same may be paid by the person against whom the proceedings have been taken) be repaid to such auditor by the guardians of the parish or union, or by the district board of the district to which the proceedings may respectively relate, and shall be charged in their accounts in such manner and in such proportions as the said Commissioners may direct; and if any person from whom any such books, deeds, papers, goods or chattels, may be due, neglect or refuse to deliver over the same to the person for the time being entitled or authorized to receive the same, the person so neglecting or refusing shall be liable, on the complaint of any such auditor for the time being, or of the person entitled or authorized to receive the same, to the penalties and proceedings provided in the case of overseers refusing or neglecting to pay and deliver over to their successors any sum or sums of money, goods, chattels, and other things, in their hands; and any churchwarden, surveyor of the highways, overseer or other officer of a parish or union, who shall wilfully authorize or make an illegal or fraudulent payment from the church rate, highway rate, or other public fund of a parish or union, or shall unlawfully make any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the poor rate, or disallowed or surcharged in the accounts of any parish or

union by such auditor, shall, upon conviction thereof before any two Justices, forfeit and pay for every such offence any sum not exceeding 20*l.*, and also treble the amount of such payment or of the sum so entered in his accounts.

XXXIII. That seven clear days at least before the day fixed for the audit of accounts the overseers or other officers employed in any parish in carrying the laws for the relief of the poor into execution, and every collector or assistant overseer acting for such parish, shall cause their rate books and other accounts to be made up and balanced; and the books so made up shall forthwith be deposited at the house within the parish of some one of such overseers or other officers, or of such collector or assistant overseer, or at some other house within the parish; and notice shall forthwith be affixed at the usual place or places of giving parish notices, stating the time and place of audit, as notified by the auditor, and the place where the books are deposited; and such books shall on each of such days be open between the hours of eleven and three, for the inspection of every person liable to be rated to the relief of the poor; and such auditor shall give or send by post or otherwise to the said overseers or other officers fourteen days notice of the said audit; but it shall not be necessary for the auditor to give or send separate notices to each of such overseers or other officers, and it shall be sufficient if it be proved that any one of them had notice; and if any such overseer or other officer, collector, or assistant overseer neglect to make up such account, or alter such account, or allow it to be altered when so made up, or refuse to allow such inspection thereof, he shall be liable on conviction thereof, to forfeit 40*s.*; and if any such overseer or other officer, collector or assistant overseer, refuse or wilfully neglect to affix such notice of audit, and of the time and place for the inspection of such accounts, as above provided, he shall be liable, on conviction thereof, to forfeit 40*s.*; and it shall be lawful for every rate-payer in any parish or union to be present at the audit of the accounts relating to such parish or union, and to make any objection to any such accounts before such auditor; and it shall be lawful for any such auditor to require any person holding or accountable for any money, books, deeds, papers, goods or chattels, relating to the poor's rate or the relief of the poor, to produce to such auditor his accounts and vouchers, and to make or sign a declaration with respect to such accounts; and so often as such person neglects or refuses to attend, either at the audit or any adjournment thereof, when so required by such auditor, or to produce to him such accounts or vouchers, or any of them, or to make or sign a declaration with respect to his accounts, if thereunto required by such auditor, he shall be liable for every such refusal or neglect to forfeit 40*s.*, to be recovered as penalties and forfeitures under the said first-recited Act, or if he wilfully make or sign a false declaration in respect of such accounts he shall be liable to the penalties of perjury.

XXXIV. That in every case in which before the passing of this Act any balance has been struck by any auditor in the account of any officer of any parish or union, and such balance has not been paid nor any proceedings commenced before the passing of this Act for the recovery thereof, it shall be lawful, on the application of the officers of any parish or of any board of guardians of any union, and in all other cases of disputed accounts relating to the expenditure and management of the fund for the relief of the poor previous to the passing of this Act upon the application of the board of guardians to the said Commissioners, and with the consent of the said Commissioners, for the auditor to discharge the officers for the time being from the payment of such balance; and all balances struck against any person, and not so discharged, shall be recoverable, after the passing of this Act, as if the same had been struck and the amount thereof certified by an auditor appointed in pursuance of the provisions of this Act.

XXXV. That if any person aggrieved by any allowance, disallowance, or surcharge by any such auditor require such auditor to state the reasons for the said allowance, disallowance, or surcharge, the auditor shall state such reasons in writing in the book of account in which the allowance, disallowance, or surcharge may be made; and it shall be lawful for every person aggrieved by such allowance, and for every person aggrieved by such disallowance or surcharge, if such last-mentioned person have first paid or delivered over to any person authorized to receive the same all such money, goods, and chattels as are admitted by his account to be due from him or remaining in his hands, to apply to the Court of Queen's Bench for a writ of certiorari to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of certiorari for the removal of orders of Justices of the Peace, except that the condition of such recognizance shall be, to prosecute such certiorari, at the costs and charges of such person, without any wilful or affected delay, and if such allowance, disallowance, or surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court, and defend the allowance, disallowance, or surcharge so impeached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said Court make any order to the contrary; and that on the removal of such allowance, disallowance, or surcharge the said Court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such Court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the court, order the costs of the person prosecuting such certiorari to be paid by the parish or union to which such accounts relate, as to such Court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

XXXVI. Provided and enacted, That it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of certiorari, to apply to the said Commissioners to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said Commissioners to issue such order therein, under their hands and seal, as they may deem requisite for determining the question.

XXXVII. That in every district for which an auditor may be appointed under the provisions of this Act the powers of Justices of the Peace and of all other persons to examine, audit, allow, or disallow accounts shall, so far as relates to any accounts

which such auditor is authorized to examine and audit, cease, and the same are hereby repealed: Provided always, that where any union or unions and parishes have been already combined by the said Commissioners under the provisions of the said first-recited Act for the appointment of an auditor, and such an auditor has been appointed, or where any person has been appointed auditor for more than one union, it shall be lawful for the said Commissioners to continue such auditor in office, and such district shall be deemed to have been formed, and such unions to have been formed into a district, and such auditor to have been appointed respectively under this Act: Provided also, that if the said Commissioners subsequently add any parish or union to any district now formed or to be formed after the passing of this Act, or which is to be deemed to be formed under this Act, or separate any parish or union therefrom, such addition or separation shall not vacate the appointment of any auditor appointed previously to such addition or separation, but it shall be lawful for the Commissioners to continue such auditor in office for such increased or diminished district without any re-election of such auditor.

XXXVIII. That so much of the said first-recited Act as provides that accounts shall be made and rendered not less frequently than once in every quarter shall be and is hereby repealed; and such accounts shall be made and rendered at such times and as often as the said Commissioners may direct, but not less often than once in every half year.

XXXIX. That on application of any overseer, or of any board of guardians, or of any attorney at law, it shall be the duty of the clerk of the peace of the county or place, or his deputy, if thereunto required, to tax any bill due to any solicitor or attorney in respect of business performed on behalf of any parish or union situate wholly or in part within such county or place; and the allowance of any sum on such taxation shall be *prima facie* evidence of the reasonableness of the amount, but not of the legality of the charge; and the clerk of the peace shall be allowed for such taxation after the rate to be fixed from time to time by the Master of the Crown Office, and declared by an order of the said Commissioners; and if any such bill be not taxed before it is presented to the auditor, the auditor's decision on the reasonableness as well as the legality of the charges shall be final.

XL. That it shall be lawful for the said Commissioners, as and when they may see fit, by order under their hands and seal to combine unions, or parishes not in union, or such parishes and unions, into school districts, for the management of any class or classes of infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district; but the said Commissioners shall not include in any such district any parish any part of which would be more than fifteen miles from any other part of such district: Provided always, that when the relief of the poor has been hitherto administered in any parish or united parishes by guardians appointed under a local Act, and not by overseers of the poor, if such parish or united parishes, according to the last enumeration of the population published by authority of Parliament, contain more than 20,000 persons, it shall not be lawful for the said Commissioners, without the consent in writing of the majority of such guardians, to include such parish or united parishes in a school district.

And after reciting that it is expedient that more effectual means should be provided for the temporary relief of poor persons found destitute and without lodging within the district of the metropolitan police, or the city of London, and the city, towns, and boroughs named in the schedule annexed to this Act, and for avoiding the introduction of infectious disease, by the reception of such poor persons into the workhouses established for the ordinary relief of the poor within such districts and places:—

It is Enacted,

XLI. That it shall be lawful for the said Commissioners, as and when they may see fit, by order under their hands and seal to declare so many parishes or unions, or parishes and unions, any part of which may be within the district of the metropolitan police, or the city of London, or within the limits respectively of the city, towns, or boroughs named in the schedule marked (B.) annexed to this Act, as such limits are described in an Act, 3 Will. 4, 'to settle and describe the division of counties, and the limits of cities and boroughs, in England and Wales, so far as respects the election of members to serve in Parliament,' to be combined into districts for the purpose of providing and managing asylums for the temporary relief and setting to work therein of destitute houseless poor who are not charged with any offence, and who may apply for relief, or become chargeable to the poor rates within any such parish or union.

XLII. That a board shall be constituted for every district formed under this Act for the maintenance of a school or of an asylum; and every district board so constituted shall respectively consist of members to be elected from amongst the persons rated within the district to the relief of the poor; and the said Commissioners shall fix the qualification of such members, such qualification to consist in being rated within the district to the relief of the poor, but not so as to require a qualification exceeding the net annual value of 40*l*.; and such members shall be elected at such periods, not exceeding three years, and in such proportions and in such manner, as the said Commissioners may from time to time direct, by the guardians of every parish or union governed by a board of guardians under the provisions of the said first-recited Act or of any local Act, and if there be no such guardians then by the overseers of a parish not governed by such guardians; and the chairman of every board of guardians constituted under the provisions of the said first-recited Act shall, if he consent thereto, be *ex officio* a member of any district board constituted under the provisions of this Act.

XLIII. That every such district board shall have such of the powers of guardians for the relief and management of the poor within any school or asylum, and for the appointment, payment, and controul, of paid officers, as the said Commissioners may direct; and the legal and reasonable orders of such district board shall be obeyed and obedience thereto enforced in the same manner and by the same remedies and penalties as the legal and reasonable orders of guardians; and it shall be lawful for the said Commissioners, with the consent in writing of a majority of any district board, to direct such district board to purchase or hire or build, and to fit up and furnish, a building or buildings, of such size and description, and according to such plan, and in such manner as the said Commissioners may deem most proper, for the purpose of being used or rendered suitable for the relief and management of the poor to be received into such school or asylum; and the said Commissioners may, with the

like consent, alter the district for which such district board was originally constituted, by adding thereto or taking therefrom any parish or parishes, union or unions, as aforesaid; and the said Commissioners shall have the same powers for regulating the proceedings of any district board or of any committee thereof, and for directing and regulating the appointment, duties, remuneration, and removal of paid officers to be appointed by any district board, as they have with respect to the proceedings of boards of guardians, or with respect to paid officers to be appointed by any board of guardians; and every such board for a school district shall appoint, with the consent of the bishop of the diocese, at least one Chaplain of the Established Church as one of the paid officers aforesaid, who shall be empowered to superintend the religious instruction of all the infant poor being under the controul of such district board; and it shall be lawful for the said Commissioners to issue rules and regulations for the government of any such school or asylum, and the inmates thereof, as if such school or asylum were a workhouse; and any orders or regulations of the said Commissioners made in pursuance of this Act shall be enforced in the same manner and by the same penalties as if the same were an order or regulation made in pursuance of the said first-recited Act: Provided always, that no rules, orders, or regulations of the said Commissioners, nor any regulations made by such district board, shall oblige any inmate of any such school or asylum to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or surviving parent may object, or, in the case of an orphan or deserted child, to which his next of kin may object: Provided also, that it shall be lawful at all reasonable times of the day, according to rules and regulations to be made for this purpose by the said board, for any minister of the religious persuasion professed by an adult inmate, or of the religious persuasion in which any child has been brought up, or in which the parents, or surviving parent, or next of kin, as the case may be, may desire such child to be instructed, to visit the school or asylum, at the request of such adult inmate, for the purpose of affording to him religious assistance, or to visit such child for the purpose of instructing such child in the principles of his religion: Provided also, that it shall be lawful at all times for any inspector of schools appointed by Her Majesty in council to visit such schools, and to examine into the proficiency of the scholars therein.

XLIV. That for the purpose of providing a building for such school or asylum it shall be lawful for such district board, subject to the order of the said Commissioners, to exercise the powers given to boards of guardians by the said first-recited Act or any other Act or Acts for the purchase and hire of lands and buildings, and to borrow, in like manner, as is provided in the said first-recited Act or in any other Act or Acts, such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing such building or buildings as aforesaid, and to charge the future poor rates of the parishes or unions, or parishes and unions, so combined as aforesaid, with the payment of such sum or sums of money, and interest thereon: Provided always, that the consent of any rate-payers or owners of property of any parish shall not be necessary to any sale, exchange, lease, or other disposal by guardians or overseers to or with any such district board of any workhouse, tenement, building, or land: Provided also, that the principal sum or sums to be raised for the purpose of providing any such building or buildings as aforesaid, and charged on any union, or on any parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any such union, or of the like expenditure within any such parish, for three years ending the 25th of March next preceding the raising of such money; provided also, that the principal sum or sums required for the purpose of providing any such building or buildings shall, if the same be borrowed, be repaid, with all interest thereon, within a period not exceeding twenty years.

XLV. That every such district board shall be enabled to accept, take, and hold, on behalf of the district for which they act, any lands, buildings, goods, effects, or other property, as a corporation, and in all cases to sue and be sued as a corporation, by the name of the Board of Management of the District School or Asylum, as the case may be.

XLVI. That every district board for the management of any school or asylum shall from time to time call on the parishes and unions included in such district for such contributions as they may deem requisite for the purposes of this Act; and notice in writing of the amount of such contributions, purporting to be signed by the clerk or other officer of such district board, in any form prescribed by the said Commissioners, shall, fourteen days at least before such contribution becomes due, be forwarded, by post or otherwise, to the clerk to the board of guardians of any union, and to two at least of the overseers or other officers authorized to make and levy rates for the relief of the poor in every parish from whom such contributions or any part thereof will become due; and if such contributions are not duly paid to the treasurer of such district board, such district board shall, in addition to any other remedy which now is or hereafter may be given to any persons against any board of guardians, have the like remedy for recovery of the same from the overseers or other officers authorized to make and levy the rates for relief of the poor of the several parishes, whether comprised in an union or otherwise, and which may form part of the district for which such district board may act, as are given to guardians for the recovery from overseers of the contributions of parishes; and in case of any addition or separation of parishes or unions, the said Commissioners shall ascertain the proportionate value of property and amount of obligations of every parish or union affected by the change, and shall fix the amount to be received or paid, or secured to be paid, by every such parish or union.

XLVII. That the expenses incurred by any district board in the purchase or hire of any building or buildings to be used as a school, or in erecting, repairing, adding to, or fitting up any building, and in the purchase of utensils and materials for the employment of the inmates of such school, or of books and other objects and things necessary for the instruction of such inmates, and the salaries of the officers and servants of the establishment, and all other expenses incurred on the common account of the parishes or unions, or parishes and unions, so united for the management of any class of infant poor, or incidental to the discharge of the duties of such district board, shall be paid by such unions in the proportion of the averages last declared for every such union, and by such parishes in the proportion of the average expenditure of every such parish for the like period and purposes as those to which the declared averages of such unions shall relate; and the said Commissioners shall from time to time, by order under their hands and seal, ascertain and declare the proportion and rates of contribution in the above respects of every such parish and union; and that all other expenses incurred in the relief of the children under the management of such district board shall be separately charged by such district board to the parish or union from which each such child may be sent.

XLVIII. That the expenses incurred by every such district board in the purchase or hire of any building or buildings, or in erecting, repairing, adding to, or fitting up any building as an asylum, and in the purchase of utensils and materials for the employment of the inmates of such asylum, and other objects and things necessary for the relief of such inmates, and the salaries of the officers and servants of the establishment, and all other expenses incurred by such district board in the relief of the poor, or in the management of such asylum, or incidental to the discharge of the duties of such district board, shall be charged by such district board upon the parishes or unions, or parishes and unions, comprised in such district, in proportion to the annual value of messuages, lands, tenements, and hereditaments upon which such parishes and the parishes combined in such unions are respectively assessed to the county or borough rate, or other rate in the nature of a county or borough rate; and where any parish or place comprised in such district does not contribute in respect of the whole thereof to any county or borough rate, the said expenses shall be paid by such parish or place in proportion to the net annual value of all the property therein assessed to the rates for the relief of the poor; and any information necessary for the distribution of such charge shall be furnished, on demand of such district board or of the said Commissioners, by every parish officer, and by every clerk of the peace, town clerk, or other like officer of any county, city, town, or borough, or other place raising rates in the nature of county or borough rates.

XLIX. That the Poor Law Commissioners shall appoint some person, being at the time the auditor of some parish or union situated within the district for which any district board for any school or asylum may be appointed, who shall be the auditor of such district, and shall be empowered and required to audit the accounts of each district board, and of the officers of such district board; and the salary of every such auditor of a district shall be paid by the district board thereof: and the said Commissioners shall have the same powers for regulating the duties and remuneration of such auditors as they have with respect to paid officers appointed by any board of guardians; and it shall be lawful for the said Commissioners, as they may see fit, to remove any auditor of such district, and in case of vacancy to appoint another person as aforesaid to the office; and every district board constituted under this Act, and every officer of such district board, shall, twice in the year at least, at such time and in such manner and form as may be prescribed by the Poor Law Commissioners, account to the auditor appointed as aforesaid; and such auditor shall have all the powers of allowing and disallowing any charges in such accounts as are or may hereafter be given to auditors under the provisions of the said first-recited Act or any other Act for the audit of accounts relating to rates for the relief of the poor; and all sums disallowed or reduced, or charged as balances against any person by such auditor, shall be recovered, on the application of such auditor (which application he is hereby empowered to make), in the same way as penalties and forfeitures under the said first-recited Act, from the person making or authorizing such illegal payment; and within thirty days of such audit each district board shall cause to be printed, and shall forward by post or otherwise to each board of guardians, and to the officers of every parish within their district, an abstract of the accounts of their district, so audited, in such form as the Poor Law Commissioners may direct.

L. That every guardian of every union or parish included in any such district formed for the maintenance of an asylum shall at all reasonable times be entitled to enter the asylum of such district, and inspect any part thereof, and enter his remarks thereon in a book to be kept for that purpose.

LI. That in any case where a parish or union is not combined in a school district, and where any part of such parish or union is not more than twenty miles from a district school, the board of guardians of such parish or union may, with the consent of the board of such district, send to such district school any infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting thereto; and the costs of the maintenance, employment, and instruction of such infant poor in such district schools shall be paid by such board of guardians to such district board, according to such rates and at such times and in such manner as may be agreed upon by the said boards, with the approbation of the said Commissioners; and such infant poor while at such district school shall be subject to the controul and management of such district board and their officers, in like manner as if the said parish or union were combined in such school district by virtue of this Act.

LII. That the provisions of the Act, 7 Geo. 3. c. 39, intituled 'An Act for the better Regulation of the Parish poor Children of the several Parishes therein mentioned within the bills of Mortality,' and of an Act, 2 Geo. 3. c. 22, intituled 'An Act for the keeping regular, uniform, and annual Registers of all Parish poor Infants under a certain Age within the Bills of Mortality,' shall be and are hereby repealed.

LIII. That every district board for the management of any asylum under this Act shall make provision for the temporary relief and setting to work therein of any poor person found destitute within any such district, not professing to be settled in any parish included therein, and not known to have any place of abode there, and not being charged with any offence under the provisions of an Act, 5 Geo. 4. c. 83, intituled 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England,' or of any other Act; and, subject to any regulations of the said Commissioners, every such district board or any Committee thereof may direct the mode of admission of such poor persons to the asylum of such district; and it shall be lawful for any constable of the metropolitan police, or of the police of the city of London, or any constable of the police acting under the chief constable of any county, district, or division, or any constable of the city, towns, or boroughs respectively named in the Schedule marked (B.) annexed to this Act, personally to conduct any such poor person found wandering abroad within any district to any asylum established in such district in pursuance of this Act, and such poor person shall, if there be room in such asylum, be temporarily relieved therein; and the serjeant of police or constable conducting such poor person shall sign his name in a column headed to the following effect, in a book to be kept in such form and manner as the said Commissioners may from time to time direct, by some officer of every such asylum, in which shall be entered the alleged names of all poor persons admitted.

'WE, the undersigned Constables of the Metropolitan Police [or of the Police of the city of London, or Constable, &c., as the Case may be], do severally declare, so far as each of us is concerned therein, that we have conducted the poor Person (whose alleged Names are set opposite our respective Signatures) to the Asylum of District, the said poor Persons having been by us found wandering abroad, and apparently destitute, and not having committed or being charged with any Offence punishable by Law, within our Knowledge.'

And every such book, purporting to be signed and to be certified at the foot of the page by the officer keeping the same, shall be received in all courts of justice as sufficient evidence of the fact that the poor persons described therein were chargeable to the said district at the time of their admission, and, if not contradicted by other evidence, of such other particulars as are therein duly recorded; and all poor persons admitted into any such asylum shall, if they desire it, be relieved with food and lodging for the night succeeding such admission; but no such poor person shall be detained against his will for any longer space of time than until the ordinary hour of breakfast of the day next succeeding his admission, and four hours afterwards, unless such poor person, since his admission, have become lawfully punishable for misbehaviour within such asylum, in which case it shall be lawful to detain such poor person for a space of time sufficient for such punishment; but no poor person shall be punished for any offence or misbehaviour in any asylum by confinement for any longer space of time than twenty-four hours, and such longer space of time as may be necessary in order to have such person before a Justice of the Peace; and if any poor person so admitted as aforesaid shall be disabled by sickness, or shall be unwilling to depart from such asylum, he may receive relief therein, if he consent to remain, and conform to the rules of the house, until the next meeting of the district board or of some committee (which such district board, subject to the rules of the said Commissioners, is hereby authorized to appoint), who shall give such directions respecting such poor person as they may deem right, by discharging him from such asylum, with a direction to apply for relief in the district where he has dwelt, or otherwise as to them may seem fit: Provided always, that, except under a medical certificate of sickness, it shall not be lawful for the officers of any such asylum to relieve any poor person for a longer period continuously in such asylum than is sufficient to enable his case to be decided by the district board or committee as aforesaid: Provided also, that if any person received into such asylum shall wilfully give a false name, or make a false statement, or shall be proved to have given two or more different names on two or more different occasions, when so received into any such asylum, such person not having lawfully changed her name in consequence of marriage, such person shall be deemed a rogue and vagabond within the meaning of the said Act, 5 Geo. 4. c. 83, intituled 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of the United Kingdom called England.'

LIV. That every poor person relieved in any asylum under the management of any district board shall be liable to the same obligations in respect of the relief afforded to him as if the same were afforded in any workhouse, and shall be subject to the same punishment and penalties as are provided by 55 Geo. 3. c. 137, intituled 'An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons, in certain Cases, for a longer Period than One Month at a time; and for other Purposes therein mentioned relating to the Poor,' or under any other Act or Acts, for refusal or neglect to work, in pursuance of any regulations or directions prescribing a task of work, or for wilfully destroying or injuring his own clothes or any property, or for absconding with any clothes or other articles provided by such district board, or for damaging any of the property of such district board, or for any misbehaviour in such asylum, by disobedience of the rules and regulations in force therein, or otherwise, as if he were relieved or set to work in any workhouse under the controul of a board of guardians acting under the orders and regulations of the said Commissioners in pursuance of the said first-recited Act: Provided always, that nothing in this Act contained shall relieve any guardian, overseer, relieving officer, or master of a workhouse from any obligation now imposed upon him by law with regard to the relief of cases of sudden and urgent necessity, or shall prevent the reception into a workhouse of any person labouring under dangerous illness or shall authorize the transfer to an asylum of any person received into such workhouse in a case of dangerous illness, unless with the certificate in writing of a medical man duly licensed to practise, to the effect that such person is then in a fit state to be removed, and stating the manner in which such person, in the opinion of such medical man, may be safely removed.

LV. That if any poor person return and become chargeable in the asylum of any district after removal from any parish in such district, he shall be deemed to have returned and become chargeable, without any certificate, to the parish whence he has been legally removed by order of two Justices of the Peace, within the meaning of the said Act 5 Geo. 4. c. 83, intituled 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England.'

LVI. That, for the purposes of relief, settlement, and removal of poor persons, and the burial of the poor, the workhouse of any union or parish, and every such district school, shall be considered as situated in the parish to which each poor person respectively to be relieved, removed, or buried, or otherwise concerned in any such purpose, is or has been chargeable: Provided always that every birth and death within any such workhouse or building shall be registered in the parish or place in which such workhouse or building is locally situated; and all fees for registering births and deaths in any such workhouse or building shall be charged by the guardians to the parish or union to which the person dying or the mother of the child respectively is chargeable.

LVII. That if any person be convicted before any Justice or Justices of any offence committed in any workhouse while maintained therein, or of absconding from any workhouse, and carrying away clothes or other property therefrom, and be liable to be committed for such offence to any gaol or house of correction, it shall be lawful for the Justice or Justices before whom such person is convicted to commit such person to the common gaol or house of correction of the county or place in which the parish is situated to which such person at the time of the commission of the offence was chargeable, notwithstanding that such workhouse may not be situated in such county or place, and notwithstanding that such Justices may not be Justices of such county or place; and if such person have not goods or money within such county or place sufficient to bear the charges of himself and those who convey him, then such charges shall be defrayed at the expense of the county, place, or parish, according to the provisions of an Act, 27 Geo. 2. c. 3, intituled 'An Act for the better securing to Constables and others the Expenses of conveying Offenders to Gaol; and for allowing the Charges of poor Persons bound to give Evidence against Felons;' provided that in cases of such conviction and committal as aforesaid all further proceedings in respect thereof may be taken; and the costs and charges of such proceedings, and for the maintenance of such offender in such gaol or house of

correction, shall be payable in like manner and under the like authority as such proceedings would have been taken, or as such costs and charges would have been payable, in case the offence had been committed within the parish or place to which such offender was chargeable at the time when he committed such offence.

And after reciting that by the said Act, 55 Geo. 3. c. 137, it is enacted, that if any person or persons shall desert or run away from any workhouse or workhouses, and carry away with him, her, or them any clothes, linen, or other goods as aforesaid, such person or persons, being thereof lawfully convicted, either by the confession of such party or parties, or by the oath or oaths of one or more credible witness or witnesses, before any Justice or Justices of the Peace, shall by such Justice or Justices of the Peace be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprize for the space of three calendar months; and it is further enacted, that in case any person or persons maintained in any public workhouse or workhouses established for the relief, maintenance, and employment of the poor shall refuse to work at any work, occupation, or employment suited to his, her, or their age, strength, and capacity, or shall be guilty of drunkenness, or other misbehaviour, every such person or persons, being thereof lawfully convicted before any Justice or Justices of the Peace, shall thereupon by such Justice or Justices of the Peace be committed to the common gaol or house of correction, there to remain without bail or mainprize for any period of time not exceeding twenty-one days, and during such time to be kept to hard labour: And that it is desirable that Justices of the Peace should have a power to commit such persons as are first mentioned for a period less than three months, and such persons as are last mentioned for a period greater than twenty-one days, in cases of repeated offences:—

It is Enacted,

LVIII. That it shall be lawful for any Justice or Justices to commit any such person as is first mentioned to the common gaol or house of correction, to be kept there in the manner provided by the said recited Act for any period not less than seven days nor greater than three months, and to commit any such persons as are last mentioned, in case such persons have been before convicted of a like offence, to the common gaol or house of correction, in manner provided by the said Act, for any period not exceeding forty-two days.

LIX. That it shall be lawful for any board of guardians or district board to pay out of the funds in their hands the reasonable costs of the apprehension and of the prosecution of any person who, according to the laws in force at the time being, is charged with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby such family has become chargeable, or with wilfully neglecting or disobeying the rules, orders, and regulations of the Poor Law Commissioners, or with any offence or misbehaviour in any workhouse, or with deserting or running away from any workhouse, and carrying away clothes, linen or other goods or things belonging to any workhouse, or given or procured or provided as or for relief, or with neglect or disobedience of the reasonable and lawful orders of Justices or guardians, or of any district board, in the administration of the laws relating to the relief of the poor, or with obstructing or assaulting any officer engaged in the administration of the laws for relief of the poor, or with fraudulently obtaining, stealing, purloining, embezzling, wasting, or injuring, or wilfully misapplying, any property applicable to or connected with the relief of the poor, or with any offence directly affecting the administration of the laws for the relief of the poor, and the reasonable costs of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor, for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any poor person; and, subject to the approval of the said Commissioners, every board of guardians or district board shall pay the costs of all legal proceedings taken by any auditor, or under his direction, for the protection of the poor rates or property of any parish, union, or district, or taken by any other person whom the board of guardians or district board have authorized or directed to institute such prosecution or legal proceedings; and to the extent, to which any such costs may not be repaid by the offending or other party, or from the county, liberty or borough rates, the guardians of any union then may, in any of the cases aforesaid, having due regard to the circumstances of the case, and subject to the approval of the Poor Law Commissioners, charge such expenses, either to the common funds of the union, or to any parish or parishes comprised therein; and the district board of any district may, having like regard to the circumstances of the case, and subject to the like approval of the Poor Law Commissioners, charge such expenses, either to the funds of the whole of such district, or on any one or more of the unions and parishes comprised therein.

LX. That the costs, charges, and expenses properly incurred by the officers of the parish in making out, preparing, printing, and collecting the lists of persons qualified to serve on juries, according to the provisions of the Act, 6 Geo. 4. c. 50, intituled, 'An Act for consolidating and amending the Laws relative to Jurors and Juries,' and relating thereto, shall be paid and allowed to them out of the poor rates of the parish, together also with all expenses properly incurred by the same officers on the perambulation of the parish, and in setting up and keeping in proper repair the boundary stones of the parish, provided that such perambulations do not arise more than once in every three years.

And after reciting that by an Act, 2 & 3 Vict. c. 84, intituled, 'An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor,' it was amongst other things enacted, "that all orders heretofore made and issued under the hands and seals of the Poor Law Commissioners, and not rescinded by them or quashed before the 6th of May in the present year, by which the said Commissioners may have directed the overseers or guardians of any parish or union to appoint any person to collect the rates for the relief of the poor in any parish or parishes, or shall have defined or specified or directed the execution of the duties of such person, or the places or limits within which the same shall be performed, or shall have directed the mode of appointment, or determined the continuance in office or dismissal of any such person from his office, or the amount or nature of the security to be given by any such person, or shall have regulated the amount of salary payable to any such person, or the time or mode or the proportions of payment thereof, shall be deemed and the same are hereby declared to have the same force and validity as if the same had been warranted by an Act, 4 & 5 Will. 4. c. 76, intituled, 'An Act for the Amendment and better Administration of the Laws for the Relief of the Poor;' and the Commissioners shall have the same powers and authorities with respect to all such orders, and to the persons appointed in pursuance thereof, as they have with respect to orders made and issued, and the paid officers appointed, under the provisions of the said Act; and that every person

appointed guardians of the poor under any such order of the said Commissioners shall have the like powers, authorities, privileges, immunities, protections, and remedies, in and for the performance of his duty under such order, as are by law given to overseers of the poor in the performance of the like duty ;" and it is expedient that such collectors should in certain cases be invested with other of the duties of overseers of the poor :—

It is Enacted,

LXI. That the inhabitants in vestry assembled of any parish situated within the district for which any collector or assistant overseer appointed under any order of the said Commissioners now acts may appoint such collector or assistant overseer to discharge all the duties of an overseer of the poor, in addition to those of collector of poor rates for such parish, and in the same manner as if he were appointed thereto as an assistant overseer under the provisions of an Act, 59 Geo. 3. c. 12, intituled, 'An Act to amend the Laws for the Relief of the Poor;' and wherever any such collector or assistant overseer has been or may be appointed under any order of the said Commissioners, and whilst the said order remains in force, the powers of any vestry or parish officers, or of any other persons, other than the board of guardians of such parish or union (if a board of guardians have been constituted), to appoint any collector or assistant overseer, and (if so directed by the said Commissioners) every appointment under such powers shall cease: Provided always, that where the appointment of such assistant overseer shall have been made under the powers of any local Act of Parliament of a parish containing more than 20,000 persons such appointment shall continue, and the powers of such local Act, as to any future appointment of an assistant overseer, shall be exercised, but subject always to the powers of the Poor Law Commissioners, notwithstanding the provisions of this Act: Provided always, that no overseer shall be discharged by the appointment of any such collector or assistant overseer from his responsibility for the provision and supply of monies necessary for the relief of the poor, or for any of the purposes to which the rates made for the relief of the poor may be by law applicable; and every collector appointed or to be hereafter appointed as aforesaid, and every assistant overseer appointed or hereafter to be appointed, in pursuance of the said Act, 59 Geo. 3. c. 12, or of the orders of the said Commissioners, shall, subject to the rules of the Poor Law Commissioners, obey, in all matters relating to the duties of overseer, all directions of the majority of the overseers of the parish for which he acts; and the said Commissioners shall have the same powers with respect to all collectors or assistant overseers as are given to them by the said first-recited Act with respect to paid officers; and every collector or assistant overseer appointed as aforesaid shall be bound to give to the board of guardians of the parish or union, or if there be no such board of guardians then to the overseers of the parish for which such collector or assistant overseer may act, sufficient security for the due performance of his duties; and no bond or any other security entered into in pursuance of this Act, or of the said Act, 59 Geo. 3. c. 12, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any stamp duty whatsoever; and wherever any parish for which such collector or assistant overseer may be appointed is situated in an union, or is governed by a board of guardians, every bond or security given by any officer, in pursuance of this Act, or of the said Act, 59 Geo. 3. c. 12, or of the said first-recited Act, and not contrary to the rules of the said Commissioners, shall, if the guardians shall see fit, be put in suit by the board of guardians of the union in which the parish or district for which the officer acts or has acted may be situated, notwithstanding that such bond or security may have been originally given to the overseers of a parish, or to any other persons; and every bond or security given by or on account of any officer appointed by any board of guardians, for the due performance of the office to which he is so appointed, shall remain in full force and effect, notwithstanding any change in district for which such officer may have been appointed or required to act at the time when such bond or security was given, or the addition of any parish to the separation of any parish from such union since the giving of such security.

LXII. That if the board of guardians of any parish or union make application to the said Commissioners to direct the appointment of a paid collector of the poor rates in such parish or union, or in any parish or parishes of such union, it shall be lawful for the said Commissioners, by order under their hands and seal to direct the said board of guardians to appoint such a collector; and the said Commissioners shall have the same powers with respect to such collectors as are given to them by the said first-recited Act with respect to paid officers; and all powers of the inhabitants of any parish in vestry assembled, or of Justices of the Peace, or of any persons, other than the board of guardians of such parish or union, to appoint any collector for any such parish as aforesaid, and (except when otherwise directed by the said Commissioners) all appointments under such powers shall cease.

LXIII. That if the overseers of any parish wilfully neglect to make or collect sufficient rates for the relief of the poor, or to pay such monies to the guardians of any parish or union as such guardians may require, and if by reason of such neglect any relief directed by the board of guardians to be given to any poor person be delayed or withheld during a period of seven days, every such overseer shall upon conviction thereof forfeit and pay for every such offence any sum not exceeding 20*l*.

LXIV. That the guardians of every parish or union acting under any local Act for the relief of the poor shall hold their meetings once in every fortnight, or oftener, and in all matters concerning the relief of the poor shall act as a board at a meeting, and not individually; and whenever under any such local Act there is no person particularly designated or authorised to act as chairman, such guardians shall elect and appoint annually, and from time to time as vacancies may occur, a chairman and vice chairman of such board, and shall at any meeting at which no chairman or vice chairman is present elect a temporary chairman to preside at that meeting: Provided always, that when the relief of the poor has been hitherto administered in any parish by guardians appointed under a local Act, and not by overseers of the poor, if such parish, according to the last enumeration of the population published by authority of Parliament, contain more than 20,000 persons, it shall not be lawful for the said Commissioners, after the passing of this Act, without the consent in writing of two-thirds at least of such guardians, to declare such parish to be united with any other parish for the administration of the laws for the relief of the poor, anything in the said first-recited Act to the contrary notwithstanding; provided, however, that nothing herein contained shall prevent the said Commissioners from including any such last-mentioned parish in a district for providing and managing an asylum for the temporary relief of and setting to work of destitute houseless poor, or from including such parish in a district for the audit of accounts, under the provisions of this Act, except as hereinafter enacted.

LXV. Provided and enacted, That where any parish which is not governed by a board of guardians constituted under the said first-recited Act, or comprised in any union, but is governed by guardians or directors under a local Act, and contains a population exceeding 20,000 persons, according to the last enumeration of the population published by the authority of Parliament, have before the 1st of January in this present year adopted and acted upon the provisions of an Act, 1 & 2 Will. 4. c. 60, intituled, 'An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of England and Wales,' and that where any two or more parishes situated within the district of the metropolitan police, containing together a population exceeding 20,000, according to the last enumeration of the population published by the authority of Parliament, have been united for the purposes of rating or settlement under the provisions of any local Act, and are governed by guardians or directors under such local Act, and have not been comprised in any union formed under the provisions of the said first-recited Act, and have an auditor or auditors appointed and acting under any provisions of such local Act relating to the audit of accounts in such parishes, it shall not be lawful to include such parish or such two or more parishes respectively in any such district for the audit of accounts: Provided always, that it shall be lawful for any assistant Poor Law Commissioner to be present at any audit as if the same were a meeting of a board of guardians or vestry, and to inspect, examine, and take copies or extracts from any books, accounts, or vouchers produced at such audit.

And after reciting that it is provided by the said first-recited Act that the said Commissioners may, from time to time as they may see fit, by order under their hands and seal, declare any union not united for the purposes of settlement or rating to be dissolved, or any parish or parishes to be separated from or added to any such union, and that such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and it is thereby further provided that no such dissolution, alteration, or addition shall take place or be made unless a majority of not less than two-thirds of the guardians of such union concur therein; and it is expedient to enable the said Commissioners to separate any parish or parishes from any union or to add any parish or parishes to any union, without the concurrence of the guardians of such union respectively:—

It is Enacted,

LXVI. That it shall be lawful for the said Commissioners to exercise the powers given to them by the said Act for the separating of any parish or parishes from any union formed under the provisions of the said Act, or for the addition of any parish or parishes to any such union, without the concurrence of the guardians of such union respectively in such separation or addition; and the said Commissioners may, if they see fit, cause a board of guardians to be elected under the provisions of the said Act for any single parish separated from any union in pursuance hereof, notwithstanding the provisions of any local Act in force in such parish.

LXVII. That so much of an Act, 55 Geo. 3. c. 137. s. 7, intituled, 'An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor,' as relates to the giving of notice of the intention to enter into contracts relating to the relief of the poor, shall be and the same is hereby repealed.

LXVIII. That notwithstanding anything contained in an Act, 7 Vict. intituled, 'An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales,' it shall be lawful for any clerk or other officer to any board of guardians constituted under the said first-recited Act or under any local Act, or to any district board, if duly empowered by such board, to make or resist any application, claim, or complaint, or to take and conduct any proceedings on behalf of such board before any Justice or Justices of the Peace at petty or special sessions or out of sessions, although such clerk or officer be not an attorney or solicitor, or have not obtained a stamped certificate in pursuance of the provisions of the said Act.

LXIX. That it shall be lawful for any board of guardians or district board, at any meeting thereof, to make a certificate in the form or to the effect contained in the Schedule of this Act marked (C.), and that every such certificate, and every copy of a minute of any order, complaint, claim, application or authority of any such board of guardians or district board, purporting respectively to be signed by the presiding chairman of such guardians or district board, and to be sealed with their seal, and to be countersigned by their clerk, shall, unless the contrary be shewn, be taken to be sufficient proof of the truth of all the statements contained in such certificate, and of the directions respecting such order, complaint, claim, or application having been given as alleged in the copy of such minute, and shall be received in evidence accordingly by and before all courts of justice and all Justices, without any proof of the signatures or of the official characters of the persons signing the same, or of such seal, or of such meeting: and that for the purpose of making any order of removal or other order no further or other evidence of chargeability than such certificate shall be required, provided that every such order bear date within twenty-one days next after the day of the date of such certificate.

LXX. That in any proceedings to be had before Justices in petty or special sessions, or out of sessions, under the provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any party to such proceedings request that any person be summoned to appear as a witness in such proceedings, it shall be lawful for any Justice to summon such person to appear and give evidence upon the matter of such proceedings; and if any person so summoned neglect or refuse to appear to give evidence at the time and place appointed in such summons, and if proof upon oath be given of personal service of the summons upon such person, and that the reasonable expenses of attendance were paid or tendered to such person, it shall be lawful for such Justice, by warrant under his hand and seal, to require such person to be brought before him or any Justices before whom such proceedings are to be had; and if any person coming or brought before any such Justices in any such proceedings refuse to give evidence thereon, it shall be lawful for such Justices to commit such person to any house of correction within their jurisdiction, there to remain without bail or mainprize for any time not exceeding

fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such Justice shall be a sufficient warrant for the discharge of such person.

And after reciting that it is provided by the said first-recited Act that all rules, orders, and regulations made by the said Commissioners under the authority of the said Act shall be as valid and binding, and shall be obeyed and observed, as if the same were specifically made by and embodied in the said Act; but no sufficient provision is made for bringing such orders to the knowledge of courts of justice;—

It is Enacted,

LXXI. That any copy of any such rule, order, or regulation, printed by the printer duly authorized by Her Majesty or any of her royal predecessors or successors, shall, after the lapse of fourteen days from the date thereof, be received in evidence, and judicially taken notice of, and shall, until the contrary be shewn, be deemed sufficient proof that such order was duly made, and is in force.

And after reciting that it is provided by the said first-recited Act that a written or printed copy of every rule, order, or regulation of the said Commissioners shall, before the same shall come into operation in any parish or union, be sent by the said Commissioners by the post, or in such manner as the Commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union, or their clerk, and to the clerk to the Justices of the petty sessions held for the division in which such parish or union shall be situate: And that the proof of such sending is often attended with great expense and difficulty;—

It is Enacted,

LXXII. That it shall not in any civil or criminal proceeding be necessary to prove such sending, except to the clerk to the guardians of the union or of the parish, or, where there shall be no guardians, to the overseers of the parish within which such rule, order, or regulation is intended to have effect; and that it shall in no case be necessary to prove such sending, unless reasonable notice in writing be given, by the party requiring such proof, to the party upon whom such proof would lie, that such proof would be required; and whenever it is proved to the satisfaction of the Court that the said rule, order, or regulation was sent, and that the party was cognizant thereof, such Court shall order the reasonable expenses of the witness or witnesses proving the same to be paid by the party who has given such notice, and such expenses shall be recoverable as penalties and forfeitures under the first-recited Act.

LXXIII. That in all cases where any messuages, lands, or hereditaments, or any estates or interest therein, have or hath been conveyed or assured, or purported to be conveyed or assured, either gratuitously or for valuable consideration, to or in trust for the churchwardens and overseers of the poor, or the overseers only, or the guardians of any parish or parishes respectively, or otherwise for the benefit of any parish or parishes respectively, or to or in trust for the guardians of any union, for the purpose of providing a workhouse or asylum, or workhouses or asylums, for the accommodation of the poor of such parish or parishes or union respectively, every such conveyance or assurance shall be deemed good and valid for all purposes whatsoever, notwithstanding that such conveyance or conveyances have not been enrolled pursuant to the statute, 9 Geo. 2. c. 36, intituled, 'An Act to restrain the Disposition of Lands whereby the same became inalienable.'

LXXIV. That this Act shall be construed in the same manner as the Act, 5 & 6 Vict. c. 57, intituled, 'An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England,' and as one Act with the same, and with the Acts and provisions thereby required to be construed as one Act; and the word "month" shall be taken to mean calendar month; and the words "clerk of the peace" shall be taken to mean the clerk of the peace or other officer discharging any of the duties of clerk of the peace for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate; and the words "licensed minister" in the said first-recited Act, and "minister" in this Act, shall be construed to mean and include every person in holy orders, and also every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law; and, except where it is otherwise expressly provided, all provisions in any Act now passed or hereafter to be passed, relating to the officers of boards of guardians constituted under the provisions of the said first-recited Act, or to the workhouses under the management of such guardians, shall apply to all officers appointed by any district board, and to all workhouses under the management of any district board.

LXXV. That this Act shall extend only to England and Wales.

LXXVI. That this Act shall come into operation on the day next after that on which Her Majesty gives her assent thereto.

LXXVII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

County Division				
Name of Mother of Bastard applying.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all Cases in which Orders are made.
			[Here state if the Summons was never served, or if the alleged Father absconded, or the Com- plaint was abandoned or heard, and the Order refused, or, if made, the Amount of the Order.]	

I certify the above List to be correct in all Particulars.

(Signed)

A.B., Clerk to the Justice

SCHEDULE (B.)

*City, Towns, and Boroughs.*LIVERPOOL.
MANCHESTER.
BRISTOL.LEEDS.
BIRMINGHAM.

SCHEDULE (C.)

The Board of Guardians of the Poor of the Union [or Parish of] do hereby certify, That on
the Day of A.B. and his Wife C.B., and his Child E.B., became chargeable to the Parish of
in the said Union [or to the said Union.]

In testimony whereof the Common Seal of the said Guardians is hereunto affixed at a Meeting of their Board this
Day of 18 .

(L.S.)

(Signed)

(Countersigned)

W.J., Presiding Chairman of the said Board.
C.D., Clerk [or acting as Clerk] to the
Board of Guardians of

CAP. CX.

AN ACT for the Registration, Incorporation, and Regulation of Joint Stock Companies.
(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

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| General Provisions. | { | 1. Operation of Act as to time. |
| | | 2. Operation of Act as to companies.—Application of term "Joint Stock Company."—Future companies.—Companies for executing parliamentary works.—Incorporated companies. |
| | | 3. Construction of words. |
| | | 4. Provisional registration.—Returns by promoters of companies.—Certificate of provisional registration. |
| | | 5. Penalty as to delaying registration. |
| | | 6. Relief from penalties to promoters by the appointment of a solicitor to make returns.—Return of appointment and acceptance.—Penalty on solicitor failing to make returns. |
| | | 7. Complete registration.—Constitution of companies.—Provisions of deeds of settlements.—Covenant to pay instalments on shares, &c.—Provision in deed for purposes in Schedule (A).—Execution of deed of settlement.—Authentication of deed.—Registration of deed.—Supplementary deed. |
| | | 8. Notification of incompleteness of deeds of settlement. |
| | | 9. Companies for executing parliamentary works to register copies of documents required to be deposited by the standing orders.—Certificate of complete registration. |
| | | Registration of Companies. |
| 11. Half-yearly returns of changes and additions of members.—Penalty. | | |
| 12. Returns made by request. | | |
| 13. Restriction of rights of shareholders by non-registration of shares transferred.—Continuance of liability of shareholder transferring. | | |
| 14. Periodical registration of companies.—Penalty. | | |
| 15. Returns generally.—Evidence of registration.—Certificates of registration.—Effect of certificate as evidence. | | |
| 16. Authentication of returns. | | |
| 17. Regulations as to returns.—Regulations to apply to all companies. | | |
| 18. Inspection of returns at registry office.—Certified copies or extracts.—Legal effect thereof. | | |
| 19. Office for registration.—Appointment of registrar, &c. of joint stock companies.—Assistant registrar.—Leave of absence. | | |
| Powers and Privileges of Companies. | { | 20. Registrar's office attendance. |
| | | 21. Fees of registration.—Commissioners of Treasury may fix other fees.—Balance to go to Consolidated Fund.—Regulation of fees.—Return of three-fourths of the fee on capital to companies obtaining Acts of Parliament.—Repayment by Treasury. |
| | | 22. Extortion a misdemeanour. |
| | | 23. On provisional registration.—Effect of provisional registration. |
| | | 24. Proceedings of companies before registration, and while a company is not deemed to be provisionally registered.—25l. penalty against persons offending. |
| | | 25. On complete registration.—Powers and privileges obtained thereby.—Incorporation.—Without restriction of liability.—Company empowered to act.—Restriction of powers of companies for executing parliamentary works before obtaining an Act.—Power to obtain Act of Parliament.—Regulation of company under such Act. |
| | | 26. Shareholders.—Restriction of rights prior to execution of deed of settlement.—Rights thereafter.—Restriction on disposal of shares.—10l. penalty.—Contents of certificates of shares.—Penalty as to false certificate. |
| | | 27. Directors.—Powers of directors.—Restriction as to lending money. |
| | | 28. Pecuniary qualification of directors, patrons, &c. |
| | | 29. Disqualification of directors.—As to contracts.—Approval of general meeting of shareholders.—As to shares, &c. |
| Regulation of Companies. | { | 30. Validity of acts of directors. |
| | | 31. Acts of fraud or wilful omission by directors or officers a misdemeanour. |
| | | 32. Authentication and legal effect of books of record. |
| | | 33. Inspection of books of registry. |
| | | 34. Account books. |
| | | 35. Balancing of books.—Examination of balance sheet. |
| | | 36. Production of the balance sheet. |
| | | 37. Inspection of accounts by shareholders.—Occasional inspection. |
| | | 38. Auditors.—Appointment of auditors by company.—By Board of Trade.—Salary of such auditor. |
| | | 39. Delivery of accounts to auditors.—Auditors to receive and examine accounts. |
| 40. Powers of auditors.—Assistance to auditors. | | |
| 41. Report by auditors. | | |

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| | 42. Publication of reports. |
| | 43. Balance sheet and auditors report to be registered. |
| | 44. Contracts.—Requisites of contracts.—Report to secretary.—Liability. |
| | 45. Requisites of bills and notes by company.—Signatures of two directors.—Countersign of secretary.—Endorsement.—Report and entry thereof.—Liability.—Directors and officers not personally liable.—Liability of company and members. |
| | 46. Deeds, &c. to be signed by two directors. |
| | 47. Bye-laws.—Form of bye-laws.—Registration and publication thereof. |
| | 48. Bye-laws to be evidence. |
| | 49. Capital.—Register of shareholders. |
| | 50. Inspection of register of shareholders. |
| | 51. Requisites of certificates of shares.—Fee for certificate.—Form of certificate. |
| | 52. Legal effect of certificate as evidence. |
| | 53. Renewal of certificate.—Substituted certificate.—Entry thereof. |
| Regulation
of
Companies. | 54. Transfer of shares.—Deed to be registered.—Endorsement of transfer.—Effect of non-delivery of transfer.—No transfer if shares not paid up. |
| | 55. Proceedings to recover instalments of capital.—Form of declaration for instalments.—Evidence.—Recovery of instalments and interest. |
| | 56. Notification to joint proprietors. |
| | 57. Deeds of settlement.—Publication thereof.—Inspection thereof on demand.—Penalty. |
| | 58. Existing companies.—Registration of existing companies.—Returns of matters for registration.—Certificate of registration gratis.—Penalty. |
| | 59. Privileges of future companies under this Act extended to existing companies fully constituted; or existing companies fully complying.—Effect of certificate of complete registration.—Incorporation.—Alteration of deeds of settlement in compliance with this Act.—Fees for certificates of complete registration for existing companies. |
| | 60. Registration of companies begun or formed after the passing of this Act. |
| | 61. Effect of incorporation of existing companies in respect of their obligations. |
| | 62. Modifications of conditions and regulations as to companies.—Board of Trade to receive and decide applications.—Return to Parliament by Board of Trade. |
| | 63. Act not to extend to certain partnerships for working mines, &c. |
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| Prevention
of
fraudulent
Companies. | 65. Punishment for pretences as to patronage, &c. |
| | 66. Effect of judgments against a company and shareholders.—Former shareholders.—No execution against former shareholders beyond three years after ceasing to be a shareholder. |
| | 67. Reimbursement of shareholders against whom execution issued.—Contribution by other shareholders. |
| | 68. Proceedings in execution against the person or property of a shareholder.—Alteration of orders by the Court.—Notice. |
| | 69. Recovery of penalties.—Proceedings before two Justices. |
| Legal
Proceedings. | 70. Appropriation of penalties. |
| | 71. Summons in the recovery of penalties.—Proceedings. |
| | 72. Compulsory attendance of witnesses. |
| | 73. Limitation of proceedings for penalties. |
| | 74. Appeal to Quarter Sessions.—Proceedings. |
| | 75. Informalities.—No certiorari. |
| | 76. Recovery of penalties by action.—Specification of amount. |
| | 77. Actions, &c. for penalties to be in the name and with the consent of the Attorney General; otherwise void. |
| Miscellaneous. | 78. Authentication of acts by Committee of Privy Council for Trade. |
| | 79. Annual report to Parliament. |
| | 80. Amendment of Act. |

By this Act,

After reciting that it is expedient to make provision for the due registration of joint stock companies during the formation and subsistence thereof; and also, after such complete registration as is hereinafter mentioned, to invest such companies with the qualities and incidents of corporations, with some modifications, and subject to certain conditions and regulations; and also to prevent the establishment of any companies which shall not be duly constituted and regulated according to the provisions of this Act:—

It is Enacted,

1. That this Act shall come into operation at the following times; that is to say, as to the officers to be appointed in pursuance hereof for the registration of companies, and the regulation of the office hereby provided for that purpose, immediately on the passing hereof; and as to all companies to which this Act is to apply, and all other the provisions hereinafter contained, except such as relate to such officers and office as aforesaid, on the 1st of November 1844.

11. That this Act shall apply to every joint stock company, as hereinafter defined, established in any part of the United Kingdom of Great Britain and Ireland except Scotland, or established in Scotland and having an office or place of business

in any other part of the United Kingdom, for any commercial purpose, or for any purpose of profit, or for the purpose of assurance or insurance (except banking companies, schools, and scientific and literary institutions, and also friendly societies, loan societies, and benefit building societies, respectively duly certified and enrolled under the statutes in force respecting such societies, other than such friendly societies as grant assurances on lives to the extent hereinafter specified;) and that the term "Joint Stock Company" shall comprehend,—

Every partnership whereof the capital is divided or agreed to be divided into shares, and so as to be transferrable without the express consent of all the copartners; and also,

Every assurance company or association for the purpose of assurance or insurance on lives, or against any contingency involving the duration of human life, or against the risk of loss or damage by fire, or by storm or other casualty, or against the risk of loss or damage to ships at sea or on voyage, or to their cargoes, or for granting or purchasing annuities on lives; and also every institution enrolled under any of the Acts of Parliament relating to friendly societies, which institutions shall make assurances on lives, or against any contingency involving the duration of human life to an extent upon one life or for any one person to an amount exceeding 200*l.*, whether such companies, societies, or institutions shall be joint stock companies or mutual assurance societies, or both; and also,

Every partnership which at its formation, or by subsequent admission (except any admission subsequent on devolution or other act in law), shall consist of more than twenty-five members:

And that except where the provisions of this Act are expressly applied to partnerships existing before the said 1st of November, it shall be held to apply only to partnerships the formation of which shall be commenced after that date: Provided nevertheless, that, except as hereinafter specially provided, this Act shall not extend to any company for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock which cannot be carried into execution without obtaining the authority of Parliament: Provided also, that, except as hereinafter is specially provided, this Act shall not extend to any company incorporated or which may be hereafter incorporated by statute or charter, nor to any company authorized or which may be hereafter authorized by statute or letters patent to sue and be sued in the name of some officer or person.

III. And it is declared, That the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter; that is to say,—

The word "company" to mean any joint stock company or other institution, as before defined:

The expression "assurance company" to mean any assurance company, association, or institution, as before defined:

The word "directors" to mean the persons having the direction, conduct, management, or superintendence of the affairs of a company:

The expression "promoter," or "promoter of a company," to apply to every person acting by whatever name in the forming and establishing of a company at any period prior to the company obtaining a certificate of complete registration as hereinafter mentioned:

The word "subscriber" to mean any person who shall have agreed in writing to take or have taken any shares in a proposed company or in a company formed, and who shall not have executed the deed of settlement, or a deed referring thereto:

The word "shareholder" to mean any person entitled to a share in a company, and who has executed the deed of settlement, or a deed referring to it, or, in the case of mutual assurance societies, any person who shall be an assured member thereof:

The word "person" to apply to bodies politic or corporate, whether sole or aggregate:

The expression "Commissioners of the Treasury" to apply to the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any three or more of them:

The expression "Committee of Privy Council for Trade" to mean the Lords of the Committee of Her Majesty's Privy Council for the consideration of all matters of Trade and Plantations:

The expression "Secretary of the Committee" to mean one of the joint assistant secretaries of the said Committee of Privy Council for Trade:

The word "Justice" to mean a Justice of the Peace for the county, city, borough, liberty, or place where the matter requiring the cognizance of any Justice shall arise, and who shall not be interested in the matter:

The expression "special authority" to mean any deed of settlement, bye-laws, letters patent, charter, or local and personal Act of Parliament, by which powers are conferred or regulations prescribed with reference to any individual Company:

The word "prescribed" to mean provided for by special authority:

The word "month" to mean calendar month:

The expression "superior courts" to mean Her Majesty's superior courts of law or equity in England or Ireland:

The word "occupation," when applied to any person, to mean his trade or following, and, if none, then his rank or usual title, as esquire, gentleman:

The expression "place of residence" to include the street, square, or place where the party shall reside, and the number (if any) or other designation of the house in which he shall so reside:

The word "oath" to include affirmation or other declaration lawfully substituted for an oath:

And generally, whensoever, with regard to any matter, or to any function in respect thereof, the name of an officer (whether a public officer or an officer of a company) ordinarily having cognizance of such matter, or ordinarily exercising such function, is mentioned, such reference is to be understood to apply as well to any other person or officer who may have cognizance of such matter, or exercise such function in respect of such matter:

And, subject as aforesaid to the context and to the nature of the subject matter, words denoting the singular number are to be understood to apply also to a plurality of persons or things, and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender.

IV. That before proceeding to make public, whether by way of prospectus, handbill, or advertisement, any intention or proposal to form any company for any purpose within the meaning of this Act, whether for executing any such work as

aforesaid under the authority of Parliament, or for any other purpose, it shall be the duty of the promoters of such company and they or some of them are hereby required to make to the office hereby provided for the registration of joint stock companies (and hereinafter called the Registry Office) returns of the following particulars according to the Schedule (C.) hereunto annexed; that is to say,

1. The proposed name of the intended company; and also,
2. The business or purpose of the company; and also,
3. The names of its promoters, together with their respective occupations, places of business (if any), and places of residence;

And also the following particulars, either before or after such publication as aforesaid, when and as from time to time they shall be decided on; viz.,

4. The name of the street, square, or other place in which the provisional place of business or place of meeting shall be situate, and the number (if any) or other designation of the house or office; and also,
5. The names of the members of the committee or other body acting in the formation of the company, their respective occupations, places of business (if any), and places of residence, together with a written consent on the part of every such member or promoter to become such, and also a written agreement on the part of such member or promoter, entered into with some one or more persons as trustees for the said company, to take one or more shares in the proposed undertaking, which must be signed by the member or promoter whose agreement it purports to be (but such agreements need not be on a stamp); and also,
6. The names of the officers of the company and their respective occupations, places of business (if any), and places of residence; and also,
7. The names of the subscribers to the company, their respective occupations, places of business (if any), and places of residence; and also, before it shall be circulated or issued to the public,
8. A copy of every prospectus or circular, handbill or advertisement, or other such document at any time addressed to the public, or to the subscribers or others, relative to the formation or modification of such company;
9. And afterwards, from time to time, until the complete registration of such company, a return of a copy of every addition to or change made in any of the above particulars:

And that upon such registration of at the least the three particulars first before mentioned the promoters of such company shall be entitled to a certificate of provisional registration.

v. That if for a period of one month after the particulars hereby required to be registered, or any of them, shall have been ascertained or determined, the promoters of any company fail to register such particulars, then, on conviction thereof, any promoter as aforesaid shall be liable to forfeit for every such offence a sum not exceeding 20*l*.

vi. Provided and enacted, That if the promoters of a proposed company appoint a person, being an attorney or solicitor of one of Her Majesty's superior courts of law or equity, to be solicitor for the promoters of such company, and return to the said registry office a duplicate of such appointment in writing, signed by some one or more of such promoters, together with a duplicate of the acceptance of such appointment, signed by the person so appointed, then, until a duplicate of the revocation or of the resignation of such appointment be returned in like manner, so signed as aforesaid, or until the decease of such solicitor, all returns by this Act required to be made by such promoters shall be made by such solicitor in their behalf, and the penalty hereinbefore imposed in respect of any failure to make such returns shall not be incurred by them; and that if within the period of one month after the particulars hereby required to be registered, or any of them, shall have been ascertained or determined, such solicitor fail to make such returns, then he shall be liable to forfeit for every such offence a sum not exceeding 20*l*; and that if it be made to appear to the Court to which he shall belong that he fraudulently omitted to make a return of any such particulars, then he shall be liable to be suspended from practice for any time to be appointed by the said Court, or to be struck off the rolls of the said court.

vii. That it shall not be lawful for any joint stock company hereafter to be formed for any purpose within the meaning of this Act, whether for executing any such work as aforesaid under the authority of Parliament, or for any other purpose, to act otherwise than provisionally in accordance with this Act until such company shall have obtained a certificate of complete registration as hereinafter provided; and no joint stock company shall be entitled to receive a certificate of complete registration unless it be formed by some deed or writing under the hands and seals of the shareholders therein; and in or by such deed there must be appointed not less than three directors, and also one or more auditors; and such deed must set forth in a schedule thereto, in a tabular manner, according to the order hereinafter mentioned, the following particulars; that is to say,

1. The name of the company; and also,
2. The business or purpose of the company; and also,
3. The principal or only place for carrying on such business, and every branch office (if any); and also,
4. The amount of the proposed capital, and of any proposed additional capital, and the means by which it is to be raised; and where the capital shall not be money, or shall not consist entirely of money, then the nature of such capital and the value thereof shall be stated; and also,
5. The amount of money (if any) to be raised or authorized to be raised by loan; and also,
6. The total amount of the capital subscribed or proposed to be subscribed at the date of such deed; and also,
7. The division of the capital (if any) into equal shares, and the total number of such shares, each of which is to be distinguished by a separate number in a regular series; and also,
8. The names and occupations and (except bodies politic) the places of residence of all the then subscribers, according to the information possessed by the officers of the company in respect of such names and occupations and places of residence; and also,
9. The number of the shares which each subscriber holds, and the distinctive numbers thereof, distinguishing the numbers of the shares on which the deposit has been paid from those on which it has not been paid; and also,

10. The names of the then directors of the company, and of the then trustees of the company (if any), and of the then auditors of the company, together with their respective places of business (if any), occupations, and places of residence; and also,

11. The duration of the company, and the mode or condition of its dissolution:

And that such deed must contain a covenant on the part of every shareholder, with a trustee on the part of the company, to pay up the amount of the instalments on the shares taken by such shareholder, and to perform the several engagements in the deed contained on the part of the shareholders; and that such deed must also make provision for such of the purposes set forth in Schedule (A.) to this Act annexed as the nature and business of the company may require, and either with or without provision for such other purposes (not inconsistent with law) as the parties to such deed shall think proper; and that every such deed of settlement must be signed by at least one-fourth in number of the persons who at the date of the deed have become subscribers, and who shall hold at least one-fourth of the maximum number of shares in the capital of the company; and that every such deed must be certified by two directors of the company, by writing indorsed thereon in the form contained in the Schedule (B.) to this Act annexed; and that on the production of such deed, setting forth such matters and making such provisions as are hereby required to be provided for, and being so signed and certified, together with a complete abstract or index thereof, to be previously approved by the registrar of joint stock companies, and also a copy of such deed, for the purpose of registering the same, or as soon after such production as conveniently may be, the registrar of joint stock companies shall grant a certificate of complete registration, according to the provisions of this Act in that behalf; and unless such deed and other matters be so produced, and such conditions be so performed, it shall not be lawful for him to grant such certificate; and that after such certificate shall be granted it shall be taken as evidence of the proper provisions being inserted in such deed, and of the performance of the conditions hereby required previously to the granting such certificate of complete registration; and that any defect or omission as regards the matters hereby required in any deed of settlement may from time to time be supplied by a supplementary deed or deeds; and that if any such supplementary deed be not inconsistent with or repugnant to this Act, or any Act respecting joint stock companies, and if it be duly registered, then it shall have the same effect as if there were only one deed for the purposes of this Act; and that unless the same shall be registered it shall be of no force or effect.

VIII. That if any deed of settlement or supplementary deed of settlement, whether made before or after the granting of the certificate of complete registration, appear to such registrar of joint stock companies to be insufficient by reason of the omission or incompleteness of any of the provisions therein contained for the purposes set forth in the said Schedule (A.), or if the deed contain provisions which appear to such registrar to be inconsistent with or repugnant to this Act, or any Act for the time being in force respecting joint stock companies, then as soon thereafter as conveniently may be such registrar shall notify the same in writing to the persons or to the company by whom the deed shall have been presented for registration, specifying in such notification the particulars wherein such deed of settlement or supplementary deed of settlement is incomplete, or inconsistent with or repugnant to any such Act as aforesaid.

IX. Provided and enacted, That if any company for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock, which cannot be carried into execution without the authority of Parliament, deposit at the proper offices of the two Houses of Parliament, in compliance with the standing orders of such Houses respectively, and at or within the time required by such standing orders, such deeds of partnership or subscription contracts as shall be required to be deposited by such standing orders, and also return to the said registry office a copy of such deeds of partnership or subscription contracts, together with such certificate of the receipt of such plans, sections, and books of reference as shall be appointed by the said Committee of Privy Council for Trade, then it shall be lawful for the registrar of joint stock companies and he is hereby required to accept the same instead of the deed of settlement by this Act required to be returned for the purpose of obtaining a certificate of complete registration; and thereupon such company shall be entitled to a certificate of complete registration accordingly.

X. That throughout the continuance of any joint stock company completely registered under this Act, except such companies as shall have been incorporated by Act of Parliament after complete registration and within one month after the date of any new or supplementary deed of settlement, there shall be transmitted by the directors of every such company to the registrar of joint stock companies a copy of such new or supplementary deed of settlement, together with a complete abstract thereof so approved of as aforesaid; and within six months after any change shall have taken place in any of the particulars hereinbefore required to be set forth in the Schedule to the deed of settlement, except so far as respects the shareholders thereof and their respective shares, there shall be transmitted returns of such particulars, so far as the same shall have been changed; and if within such period any such return be not made, then, on conviction thereof, every director of such company shall be liable to pay a sum not exceeding 20*l*.

XI. That in the months of January and July in every year the directors of every joint stock company completely registered under this Act, except companies which shall have been incorporated by Act of Parliament after complete registration, shall make or cause to be made the following returns to the registrar of joint stock companies; namely,—

A return according to the Schedule (E.) hereunto annexed, and containing the particulars therein set forth, of every transfer of any share in such company which shall have been made since the preceding half-yearly return (or, in the case of the first of such returns made by such company since the complete registration thereof), and which shall have come to the knowledge of the directors:

And also a return according to the Schedule (F.) hereunto annexed, and containing the particulars therein set forth, of the names and places of abode of all persons who shall either have ceased to be shareholders of such company, or have become shareholders of such company otherwise than by a transfer as aforesaid, since the preceding half-yearly return, or since the complete registration of the company, as the case may require, and also of the changes in the names of all shareholders of such company whose names shall have been changed by marriage or otherwise since the last preceding half-yearly return, or since the complete registration of the company, as the case may require:

And if within any such period any such return be not made, then, on conviction thereof, every director of such company shall be liable to pay a sum not exceeding 20*l*.

xiii. That if at any time any party to a transfer of a share request in writing the directors of any such company to make a return thereof, then forthwith on such request the directors shall make the same accordingly; and that on proof of such transfer and such request to the satisfaction of the registrar of joint stock companies it shall be lawful for any such party to make a return of such transfer, which shall be received, marked, and registered, and with the same effect, as hereby provided in the case of returns made by such companies.

xiiii. That until the return of the transfer or other fact or event whereby a person becomes the holder of any shares be made, pursuant to the provisions hereinbefore contained, it shall not be lawful for such company, its directors or officers, if such fact or event be known to them respectively, to pay to any such person any part of the profits of the concern, nor for any such person to sue for or recover any part of the profits arising in respect of such share, or in anywise to act as a shareholder; and that until the return of the transfer of any share shall have been made pursuant to the provisions hereinbefore contained the person whose share shall have been thereby transferred shall, so far as respects his liability to the debts and engagements of the company, and also as respects the reimbursement of any loss, damages, costs, and charges he may incur thereby, be deemed to continue a shareholder of such company.

xv. That annually in the month of January in every year every company completely registered under this Act, except companies which shall have been incorporated by Act of Parliament after complete registration, shall make to the said registry office a return of the name and business of the company: and that on the receipt of such return the registrar of joint stock companies shall give a certificate thereof; and that if within the further period of one month such return be not made, then, on conviction thereof, such company shall be liable to pay a sum not exceeding 20*l*: Provided always, that it shall be lawful for the Lords of the said Committee, on the application of any company, to appoint any other period of the year for the making of such annual return as aforesaid.

xvi. That when the particulars and documents severally by this Act required to be returned to the said registry office shall have been so returned, it shall be the duty of the said registrar of joint stock companies and he is hereby required to cause to be written on every such document and return of particulars brought to him for registration the day of the receipt thereof, and to cause to be marked on every such return or document, in writing or otherwise, a number denoting the order in which the same was received, and also, upon demand, to cause an acknowledgment of the receipt of such return or document to be given to the person by whom the same shall be so brought; and that if such returns or documents be conformable to the provisions of this Act, or of any regulations in that behalf, then it shall be the duty of the registrar and he is hereby required forthwith to register the same, and, on demand, to grant to such company a certificate of provisional or complete registration, as the case may require, signed by him, and sealed with the seal of his office; which certificate must set forth whether the company has been constituted provisionally or completely; and that, in the absence of evidence to the contrary, any such certificate, or a copy of any such return as aforesaid, shall be received in evidence, without proof of the signature thereto, or of the seal of office affixed thereto.

xvii. That until the company shall have obtained its certificate of complete registration the promoters of the company, or their solicitor as aforesaid, shall make or cause to be made every return by this Act required to be made; and after such company shall have obtained a certificate of complete registration the directors of the company shall make or cause to be made every such return; and one or more of such promoters, or their solicitor, or such directors, as the case may be, shall sign such return; and every such return which shall be made after complete registration of the company shall be sealed with the seal of the company.

xviii. That if the Committee of Privy Council for Trade shall deem it expedient, then it shall be lawful for the said Committee and they are hereby authorized from time to time to make regulations respecting the form of any such returns as are hereby directed to be made, and the manner and time of making them, and for those purposes to alter and vary the schedules annexed to this Act, and to dispense with any of the returns hereby made necessary, or any of the forms of returns prescribed by this Act; and that every such regulation shall be published in the *London Gazette*, and thereupon shall be of the like force as if the same were contained in this Act: Provided always, that nothing herein contained shall be construed to permit the said Committee to make any such regulations which shall not apply alike to all such companies as may be registered under the authority of this Act, so far as the same may be applicable to them.

xix. That every person shall be at liberty to inspect the returns, deeds, registers, and indexes which shall be made to or kept by the said registrar of joint stock companies; and that there shall be paid for such inspection such fees as may be appointed by the Commissioners of Her Majesty's Treasury in that behalf, not exceeding 1*s*. for each such inspection; and that any person shall be at liberty to require a copy or extract of any such return or deed, to be certified by the said registrar; and there shall be paid for such certified copy or extract such fee as the Commissioners of Her Majesty's Treasury may appoint in that behalf, not exceeding 6*d*. for each folio of such copy or extract; and that in all courts of law and equity and elsewhere every such copy or extract so certified shall be received in evidence, without proof of the signature thereto, or of the seal of office affixed thereto.

xx. That it shall be lawful for the Committee of Privy Council for Trade and they are hereby empowered to appoint a person to be and to be called the registrar of joint stock companies, and, if the said Committee see fit, an assistant registrar, clerks, and other necessary officers and servants; and that every such registrar and assistant registrar, clerks, and officers shall be entitled to hold their offices during the pleasure only of the said Committee; and that from time to time it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized to fix the salary or remuneration of such registrar, assistant registrars, clerks, officers, and servants; and that, subject to the provisions of this Act, it shall be lawful for the said Committee of Privy Council for Trade and they are hereby authorized to make rules for regulating the execution of the office of the said registrar; and that such registrar shall have a seal of office to be by him used in the authen-

tification of all matters relating to his said office in respect of which such authentication is by this Act required; and that such assistant registrar shall, in the absence of the registrar, be competent to do all things which the registrar is authorized or empowered, directed, or required to do, as fully and effectually, to all intents and purposes, as the registrar himself may do; and all provisions in this Act relating to the signature and seal of office of the said registrar shall apply to the said assistant registrar: Provided always, that the registrar shall not be absent from the duties of his office, except on account of ill health or other urgent cause, without express leave in writing of the said Committee of Privy Council for Trade for that purpose previously obtained.

xx. That from the hour of ten o'clock in the morning until five o'clock in the afternoon, and at such other times as the said Committee of Privy Council for Trade shall appoint, such registrar, or in the unavoidable, or, as aforesaid, permitted absence of the registrar, then such assistant registrar, shall give his attendance at the said office every day throughout the year, except Sundays, Good Friday, Christmas Day, and any other general holiday or fast day appointed by Her Majesty in Council.

xxi. That every company shall pay the following fees: (that is to say,)

For a certificate of provisional registration the sum of 5*l*.:

For a certificate of complete registration the sum of 5*l*., and 1*s*. additional in respect of every 1000*l*. value of capital, as declared on the formation of the company in the deed of settlement, or by any other special authority:

For an annual certificate the sum of 1*l*.:

And also such other fees as shall be appointed to be paid in respect of any other services to be performed by the said registrar; and that from time to time it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby authorized, in addition to the fees hereinbefore required to be paid in respect of such certificates, to fix such other fees to be paid for the services to be performed by the registrar of joint stock companies as they shall deem requisite to defray both the expenses of the said office and the salaries or other remuneration of the said registrar and of any other persons employed under him, with the sanction of the said Commissioners of Her Majesty's Treasury, in the execution of this Act; and that the balance, if any, shall be carried to the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and be paid accordingly into the receipt of Her Majesty's Exchequer at Westminster; and that it shall be lawful for the said Commissioners of Her Majesty's Treasury to regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for: Provided always, that if within two years after a company shall have obtained a certificate of complete registration such company shall obtain an Act for the incorporation thereof, then three-fourths of the fee paid by or on behalf of such company on such complete registration in respect of the capital of the company shall be reimbursed and repaid to the said company, and that it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized and empowered to repay the same accordingly.

xxii. That if either the said registrar of joint stock companies, or any person employed under him, either demand or receive any gratuity or reward in respect of any service performed by him, other than the fees aforesaid, then for every such offence every such registrar or person shall be guilty of a misdemeanour.

xxiii. That on the provisional registration of any company being certified by the registrar of joint stock companies it shall be lawful for the promoters of any company so registered to act provisionally, but not for any longer period than twelve months from the date of the certificate, unless such certificate shall be renewed, which may be done on application for that purpose; and no such renewed certificate shall be in force for a longer period than twelve months from the date thereof; and it shall be lawful for the promoters of such company,—

To assume the name of the intended company, but coupled with the words "registered provisionally," and also;

To open subscription lists; and also,

To allot shares, and receive deposits by way of earnest thereon, at a rate not exceeding 10*s*. for every 100*l*. on the amount of every share in the capital of the intended company; and also, in the case of companies for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock, which cannot be carried into execution without the authority of Parliament, in addition to and exclusive of such sum of 10*s*. per 100*l*., such further sum per 100*l*. on the amount of every such share as may be required by the standing orders of either House of Parliament to be deposited before the obtaining of an Act of Parliament for enabling the company to execute such work; and also,

To perform such other acts only as are necessary for constituting the company, or for obtaining letters patent, or a charter, or an Act of Parliament;

But not to make calls, nor to purchase, contract for, or hold lands, nor to enter into contracts for any services, or for the execution of any works, or for the supply of any stores, except such services and stores or other things as are necessarily required for the establishing of the company, and except any purchase or other contract to be made conditional on the completion of the company, and to take effect after the certificate of complete registration, Act of Parliament, or charter or letters patent, shall have been obtained, and, except in the case of companies for executing such works as aforesaid, contracts for services in making surveys and performing all other acts necessary for obtaining an Act of incorporation or other Act for enabling the company to execute such works.

xxiv. That if before a certificate of provisional registration shall be obtained the promoters or any or them, or any person employed by or under them, take any monies in consideration of the allotment either of shares or of any interest in the concern, or by way of deposit for shares to be granted or allotted; or issue, in the name or on behalf of the company, any note or scrip, or letter of allotment, or other instrument or writing to denote a right or claim, or preference or promise, absolute or conditional, to any shares; or advertise the existence or proposed formation of the company; or make any contract whatsoever for or in the name or on behalf of such intended company; then every such person shall be liable to forfeit for every such offence a sum not exceeding 25*l*.; and that it shall be lawful for any person to sue for and recover the same by action of debt.

xxv. That on the complete registration of any company being certified by the registrar of joint stock companies such company and the then shareholders therein, and all the succeeding shareholders, whilst shareholders, shall be and are hereby

incorporated as from the date of such certificate by the name of the company as set forth in the deed of settlement, and for the purpose of carrying on the trade or business for which the company was formed, but only according to the provisions of this Act, and of such deed as aforesaid, and for the purpose of suing and being sued, and of taking and enjoying the property and effects of the said company; and thereupon any covenants or engagements entered into by any of the shareholders or other persons with any trustee on the behalf of the company, at any time before the complete registration thereof, may be proceeded on by the said company and enforced in all respects as if they had been made or entered into with the said company after the incorporation thereof; and such company shall continue so incorporated until it shall be dissolved, and all its affairs wound up; but so as not in anywise to restrict the liability of any of the shareholders of the company, under any judgment, decree, or order for the payment of money which shall be obtained against such company, or any of the members thereof, in any action or suit prosecuted by or against such company in any court of law or equity; but every such shareholder shall, in respect of such monies, subject as after-mentioned, be and continue liable as he would have been if the said company had not been incorporated; and thereupon it shall be lawful for the said company, and they are hereby empowered, as follows; that is to say,—

1. To use the registered name of the company, adding thereto "registered;" and also,
 2. To have a common seal (with power to break, alter, and change the same from time to time), but on which must be inscribed the name of the company; and also,
 3. To sue and be sued by their registered name in respect of any claim by or upon the company upon or by any person, whether a member of the company or not, so long as any such claim may remain unsatisfied; and also,
 4. To enter into contracts for the execution of the works, and for the supply of the stores, or for any other necessary purpose of the company; and also,
 5. To purchase and hold lands, tenements, and hereditaments in the name of the said company, or of the trustees or trustee thereof, for the purpose of occupying the same as a place or places of business of the said company, and also (but nevertheless with a licence, general or special, for that purpose, to be granted by the Committee of the Privy Council for Trade, first had and obtained,) such other lands, tenements, and hereditaments as the nature of the business of the company may require; and also,
 6. To issue certificates of shares; and also,
 7. To receive instalments from subscribers in respect of the amount of any shares not paid up; and also,
 8. To borrow or raise money within the limitations prescribed by any special authority; and also,
 9. To declare dividends out of the profits of the concern; and also,
 10. To hold general meetings periodically, and extraordinary meetings upon being duly summoned for that purpose; and also,
 11. To make from time to time, at some general meeting of shareholders specially summoned for the purpose, bye-laws for the regulation of the shareholders, members, directors, and officers of the company, such bye-laws not being repugnant to or inconsistent with the provisions of this Act or of the deed of settlement of the company; and also,
 12. To perform all other acts necessary for carrying into effect the purposes of such company, and in all respects as other partnerships are entitled to do:—
- And the said company are hereby empowered and required,—
13. To appoint from time to time, for the conduct and superintendence of the execution of the affairs of the company, a number of directors, not less than three, for a period not greater than five years, with or without eligibility, to be re-elected at the expiration of the term, as may be prescribed by any deed of settlement or bye-law; and also,
 14. To appoint and remove one or more auditors, and such other officers as the deed of settlement under which the company shall be constituted may authorize.

Subject nevertheless, with respect to all such powers and privileges, to the provisions of this Act, and subject also to the provisions of the deed of settlement of the company or any other special authority: Provided always, with regard to any company for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock, which cannot be carried into execution without obtaining the authority of Parliament, that on the complete registration of any such company, and before such company shall have obtained its Act of incorporation or other Act whereby the authority of Parliament shall be granted for executing such work, it shall not be lawful for any such company or the directors or officers thereof to exercise the hereinbefore mentioned power to enter into contracts, otherwise than conditionally upon obtaining such Act, or to exercise the power to purchase and hold lands as aforesaid, or to exercise the power to receive instalments from shareholders beyond the sum or per-centage necessary to be deposited in compliance with the standing orders of either House of Parliament, or such other sum as may be requisite for obtaining the Act of incorporation or other Act for granting the authority of Parliament to execute such work, or to exercise the power to borrow money, as aforesaid, or to exercise the power to declare dividends, as aforesaid; and, subject to these last-mentioned exceptions, all the powers by this enactment hereinbefore given to any company completely registered, except the general power to perform all Acts necessary for carrying on the business of the company, may be exercised as fully by any such company so completely registered as by any other company so completely registered: Provided always, that it shall be lawful for any such company to perform all acts which may be necessary for obtaining an Act of incorporation or other Act for obtaining the authority of Parliament to execute its works as aforesaid, anything herein contained to the contrary notwithstanding; and that upon obtaining such Act of incorporation or other such Act as aforesaid, or at the time of the coming into operation of such Act, as shall be thereby appointed, all the powers which any such company shall obtain by virtue of this Act, and all the provisions and regulations of this Act which shall apply to such company, shall cease and determine, except so far as shall be otherwise provided by such Act of incorporation or other such Act as aforesaid.

xxvi. That no shareholder of any joint stock company completely registered under this Act shall be entitled to receive any dividends or profits, or be entitled to the remedies or powers hereby given to shareholders, until he shall have executed the deed of settlement of the said company, or some deed referring thereto, and also have paid up all instalments or calls due from him, and shall have been registered in the registry office aforesaid; and further, that it shall be lawful for every share-

holder who shall have signed such deed, and paid up such instalments or calls, and shall have been registered, and he is hereby entitled,—

To be present at all general meetings of the company; and also,

To take part in the discussions thereat; and also,

To vote in the determination of any question thereat, and that either in person or by proxy, unless the deed of settlement shall preclude shareholders from voting by proxy; and also,

To vote in the choice of directors, and of every auditor to be elected by the shareholders;

subject nevertheless to the provisions of this Act, and of the deed of settlement of the company or other special authority, so far as such provisions shall either regulate or restrict the exercise of such powers, but not so as to deprive such shareholders thereof; and further, with regard to subscribers and every person entitled or claiming to be entitled to any share in any joint stock company the formation of which shall be commenced after the 1st of November 1844, that until such joint stock company shall have obtained a certificate of complete registration, and until any such subscriber or person shall have been duly registered as a shareholder in the said registry office, it shall not be lawful for such person to dispose, by sale or mortgage, of such share, or of any interest therein, and that every contract for or sale or disposal of such share or interest shall be void, and that every person entering into such contract shall forfeit a sum not exceeding 10*l*.; and that for better protecting purchasers it shall be the duty of the directors of the company by whom certificates of shares are issued to state on every such certificate the date of the first complete registration of the company, as before provided; and that if any such director or officer knowingly make a false statement in that respect then he shall be liable to the pains and penalties of a misdemeanor.

XXVII. That with regard to the powers and duties of directors it shall be lawful for the directors of any joint stock company registered under this Act,—

1. To conduct and manage the affairs of the company according to the provisions and subject to the restrictions of this Act, and of the deed of settlement, and of any bye-law, and for that purpose to enter into all such contracts and do and execute all such acts and deeds as the circumstances may require; and also,

2. To appoint the secretary, if any; and also,

3. To appoint the clerks and servants; and also from time to time, as they see fit,

4. To remove such secretary, clerks, and servants, and to appoint others, as occasion shall require; and also,

5. To appoint other persons for special services as the concerns of the company may from time to time require; and also,

6. To hold meetings periodically and from time to time as the concerns of the company shall require; and also,

7. To appoint a chairman to preside at all such meetings, and in his absence to appoint a chairman at each such meeting;

subject nevertheless to the provisions and restrictions of this Act, and to the provisions of the deed of settlement of the company or other special authority, but not so as to enable the shareholders to act in their own behalf in the ordinary management of the concerns of the company otherwise than by means of directors: Provided always, that it shall not be lawful for the directors to purchase any shares of the company, nor to sell any such shares, except shares forfeited on the nonpayment of calls or instalments, nor to lend to any one of their number, or to any officer of the company, any money belonging to the company without the authority and sanction of a general meeting of shareholders duly convened.

XXVIII. That henceforth, notwithstanding anything to the contrary in the deed of settlement or other instrument by which a joint stock company shall be constituted or regulated, it shall not be lawful to appoint any person to be or to act as a director, whether honorary or otherwise, or to hold the office of patron or president, or any other office of the like description; nor shall it be lawful for any person to act in any such capacity unless at the time of such his appointment or of such his acting he hold in his own right at least one share in the capital of such company; and that if, without having such share, any person be or become or act as director, patron, or president of such company, or in any office of such or the like nature, then he shall forfeit for every such offence a sum not exceeding 20*l*.; and that if any person be announced or held out by or on behalf of the company as a director, patron, or president, or as holding any office of such or the like description, without having so consented or acted, then each director of such company knowingly concurring in such representation shall forfeit a sum not exceeding 20*l*.

XXIX. That if any director of a joint stock company registered under this Act be either directly or indirectly concerned or interested in any contract proposed to be made by or on behalf of the company, whether for land, materials, work to be done, or for any purpose whatsoever, during the time he shall be a director, he shall, on the subject of any such contract in which he may be so concerned or interested, be precluded from voting or otherwise acting as a director; and that if any contract or dealing (except a policy of assurance, grant of annuity, or contract for the purchase of an article or of service, which is respectively the subject of the proper business of the company, such contract being made upon the same or the like terms as any like contract with other customers or purchasers), shall be entered into, in which any director shall be interested, then the terms of such contract or dealing shall be submitted to the next general or special meeting of the shareholders to be summoned for that purpose; and that no such contract shall have force until approved and confirmed by the majority of votes of the shareholders present at such meeting; and that if at any time any director cease to be a holder of the prescribed number of shares in the company, or shall become a bankrupt or insolvent, or shall have suspended payment, or compromised with his creditors, or be declared a lunatic, then it shall be unlawful for any such director to continue as a director, or to act as such, and the office of such director shall be and is hereby declared to be vacant.

XXX. That notwithstanding it may be afterwards discovered that there was some defect or error in the appointment of any person acting or who may have acted as a director of a joint stock company registered under this Act, or that such person was disqualified, yet all acts done by him as such director before the discovery of such defect or error, either solely or with other directors, shall be as binding on him, and on the company, and the directors and officers thereof, as if such person had been duly appointed or qualified, and, if such acts were done *bona fide*, shall be as binding on all persons whomsoever as if such person had been duly appointed or qualified.

XXXI. That if any such director or other officer of any joint stock company registered under this Act wrongfully do or

omit any act, with intent to defraud the company or any shareholder therein, or falsify or fraudulently mutilate or fraudulently make any erasure in the books of account or books of register, or any document belonging to the company, then such director or officer shall be deemed to be guilty of a misdemeanor.

xxxii. That if the entry of the proceedings of any meeting of the shareholders or of the directors of any joint stock company registered under this Act purport to be signed by the chairman duly presiding at such meeting, and sealed with the seal of the company, then it shall be the duty of all courts of justice, Justices, and others, and they are hereby required, to receive the book in which such entry shall be made as *prima facie* evidence, not only of the proceedings of the meeting of which entry shall be so made, but of such meetings having been duly convened, and of the persons making or entering such orders or proceedings being shareholders or directors, and of the signature of the chairman.

xxxiii. That the books of any such company wherein the proceedings of the company are recorded shall be kept at the principal or only place of business of the company, and at all reasonable times such books shall be open to the inspection of any shareholder of the company; subject nevertheless to the provisions of the deed of settlement or of any bye-law.

xxxiv. That the directors shall cause the accounts of such company to be duly entered in books to be provided for the purpose.

xxxv. That fourteen days at the least before the period at which the accounts are required to be delivered to the auditors as hereinafter provided the directors of such company shall cause the books of the company to be balanced, and a full and fair balance sheet to be made up; and that previously to such balance sheet being delivered to the auditors as hereinafter provided the directors, or any three of their number, shall examine such balance sheet, and sign it as so examined; and that when the balance sheet shall have been so examined the chairman of the directors shall sign such balance sheet, and that thereupon the directors shall cause the same to be recorded in the books of the company.

xxxvi. That at each ordinary meeting of the shareholders the directors shall produce such balance sheet to the shareholders assembled thereat.

xxxvii. That during the space of fourteen days previously to such ordinary meeting, and also during one month thereafter, every shareholder of the company may, subject to the provisions of the deed of settlement, or of any bye-law, inspect the books of account and the balance sheet of the company, and take copies thereof and extracts therefrom; and that if at any other time three directors authorize in writing any shareholder to make such inspection, then at such other time the shareholder so authorized may make such inspection.

xxxviii. That every joint stock company completely registered under this Act shall annually at a general meeting appoint one or more auditors of the accounts of the company (one of whom at least shall be appointed by the shareholders present at the meeting in person or by proxy), and shall return the names of such auditors to the registrar of joint stock companies; and that if an auditor be not appointed on behalf of the shareholders, or if he shall die, or become incapable of acting, or shall decline to act at the prescribed period, or if such return be not made, then on the application of any shareholder of the company it shall be the duty of the Committee of Privy Council for Trade and they are hereby authorized to appoint an auditor on behalf of the shareholders; and that such auditor shall continue to act till the next general meeting; and the due appointment of such auditor shall be returned to the registrar of joint stock companies, and that thereupon it shall be his duty to register the same; and that it shall be lawful for the Commissioners of the Treasury, and they are hereby empowered to appoint that the company shall pay to such auditor such salary or remuneration as to the said Commissioners shall appear suitable, having regard to the duties of his office, and that thereupon such auditor shall be entitled to recover such salary from the company as and when it shall become due, according to the terms of the appointment thereof.

xxxix. That twenty-eight days at least before the ensuing ordinary meeting at which such balance sheet is required to be produced to the shareholders the directors shall deliver to the auditors the half-yearly or other periodical accounts and the balance sheet required to be presented to the shareholders; and that the auditors shall receive from the directors such accounts and balance sheet, and examine the same.

xl. That throughout the year and at all reasonable times of the day it shall be lawful for the auditors and they are hereby authorized to inspect the books of account and books of registry of such company; and that the auditors may demand and have the assistance of such officers and servants of the company and such documents as they shall require for the full performance of their duty in auditing the accounts.

xli. That within fourteen days after the receipt of such balance sheet and accounts the auditors shall either confirm such accounts, and report generally thereon, or shall, if they do not see proper to confirm such accounts, report specially thereon, and deliver such accounts and balance sheet to the directors of the company.

xlii. That ten days before the ordinary meeting of such company the directors shall, subject to the provisions of any deed of settlement or bye-law in that behalf, send or cause to be sent a printed copy of the balance sheet and auditor's report to every shareholder, according to his registered address, and shall, at such meeting of the company, cause such report to be read, together with the report of the directors.

xliii. That within fourteen days after such meeting it shall be the duty of such directors and they are hereby required to return to the said registry office a copy of the balance sheet, and of the report of the auditors thereon; and that thereupon it shall be the duty of the registrar of joint stock companies and he is hereby required to register or file the same with the other documents relating to such company.

And for the purpose of regulating contracts entered into on behalf of any joint stock company completely registered under this Act (except contracts for the purchase of any article the payment or consideration for which doth not exceed the sum of

50*l.*, or for any service the period of which doth not exceed six months, and the consideration for which doth not exceed 50*l.*, and except bills of exchange and promissory notes);—

It is Enacted,

XLIV. That every such contract shall be in writing, and signed by two at least of the directors of the company on whose behalf the same shall be entered into, and shall be sealed with the common seal thereof, or signed by some officer of the company on its behalf, to be thereunto expressly authorized by some minute or resolution of the board of directors applying to the particular case; and that in the absence of such requisites or of any of them any such contract shall be void and ineffectual (except as against the company on whose behalf the same shall have been made); and that every such contract for the purchase of any article the consideration of which doth not exceed the sum of 50*l.*, or for any services the period of which doth not exceed six months, and the consideration for which doth not exceed 50*l.*, entered into on behalf of any joint stock company completely registered under this Act, may be entered into by any officer authorized by a general bye-law in that behalf; and that every such contract, whether under seal or not, shall immediately after the same shall have been entered into be reported to the secretary or other appointed officer of the company on whose behalf the same shall have been entered into, who shall enter the same in proper books to be kept for that purpose; and that if any such contract be not so reported and entered, then the officer by whose default such contract shall not be so reported or entered shall be liable to repay to the company on whose behalf such contract may be made the amount of the consideration agreed to be paid by or on behalf of such company in respect of such contract.

XLV. With regard to bills of exchange and promissory notes made, accepted, or indorsed on the behalf or account of any such company, so far as relates to the mode of making, accepting, or indorsing the same, and to the liability of any such company thereon, That if the directors of the company be authorized by deed of settlement or bye-law to issue or accept bills of exchange or promissory notes, then every such bill of exchange or promissory note shall be made or accepted (as the case may be) by and in the names of two of the directors of the company on whose behalf or account the same may be so made or accepted, and shall be by such directors expressed to be made or accepted by them on behalf of such company; and that every such bill of exchange and promissory note so made or accepted as aforesaid shall be countersigned by the secretary or other appointed officer of the company in whose behalf the same is expressed to be made or accepted; and that every bill of exchange so made as aforesaid, or received by or on behalf of the company, may be indorsed in the name of the company by any officer authorized by deed of settlement or bye-law in that behalf; and that every such bill of exchange or promissory note so made, accepted, or indorsed as aforesaid shall, immediately after the making, accepting, or indorsing of the same, be reported to the proper officer of the company on whose behalf the same shall have been made, accepted, or indorsed, and such last-mentioned officer shall enter the same in proper books to be kept for that purpose; and that if any such bill of exchange or promissory note be not so reported and entered, then the officer by whose default such bill or note shall not be so reported or entered shall be liable to repay to the company the amount which the company shall pay or be liable to pay in respect of such bill or note: Provided always, that nothing herein contained shall be deemed to make any such secretary or officer personally liable upon any such bill of exchange or promissory note, nor be deemed to make any such directors personally liable thereon, except as shareholders of the company; and that every such company on whose behalf or account any bill of exchange or promissory note shall be made, accepted, or indorsed, in manner and form aforesaid, shall and may sue and be sued thereon, as fully and effectually, and in the same manner, as in the case of any contract made and entered into under their common seal.

XLVI. That all deeds and instruments bearing the seal of the company shall be signed by two at the least of the directors of the company.

XLVII. That all bye-laws made by any joint stock company completely registered under this Act, in pursuance of the power hereinbefore given, must be reduced into writing, and must have affixed thereto the common seal of the company; and that such bye-laws must be registered at the office for registering joint stock companies, and until they be so registered they shall not be of any force; and that such bye-laws must be printed and circulated for the use of the shareholders, and a copy thereof must be given to every officer of the company, and to every shareholder who shall require the same.

XLVIII. That in all actions, suits, and other legal proceedings for the enforcement of such bye-laws, or other penalties for the breach thereof, the production of a written or printed copy of the bye-laws of the company, having the seal of office of the registrar of joint stock companies affixed thereto, shall be sufficient evidence of such bye-laws.

XLIX. That it shall be the duty of the directors of every joint stock company registered under this Act to keep or cause to be kept a book, to be called the "register of shareholders," and from time to time in such book to enter the following particulars; that is to say,—

The names and addresses of all persons or corporations being shareholders of the company; and also,

The number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number; and also,

The amount of the instalments paid on such shares

L. That it shall be lawful for every shareholder, or if such shareholder be a corporation then the clerk or principal officer of such corporation, at all convenient times to search the register of shareholders gratis, and to require a copy thereof or of any part thereof; and that the company may demand a sum not exceeding 6*d.* for every one hundred words so required to be copied.

LI. That, on demand of the holder of any share in any joint stock company completely registered under this Act, the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, specifying the share in the undertaking to which such shareholder is entitled, and the amount paid up in respect of such share at the date of such certificate, and shall have the common seal of the company affixed thereto; and for such certificate the company may demand any sum not exceeding 1*s.*; and that such certificate must be according to the Form in the Schedule (L.) to this Act annexed, or to the like effect.

LII. That it shall be the duty of all courts of justice, Judges, Justices, and others to admit such certificate as *prima facie* evidence of the title of the shareholder to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

LIII. That if any such certificate be worn out or damaged, then, upon such certificate being produced at some meeting of the directors, it shall be lawful for them to order such certificate to be cancelled; and that thereupon another similar certificate shall, if he require the same, be given to the party in whom the property of such certificate and of the share therein mentioned shall at the time be vested; or if such certificate be lost or destroyed, then, upon proof thereof, a similar certificate shall, if he require the same, be given to the party entitled to the certificate so lost or destroyed; and that in either case it shall be the duty of the secretary and he is hereby required to make a due entry of the substituted certificate in the register of shareholders; and for every such certificate so given or exchanged the company may demand any sum not exceeding the sum of 1s.

LIV. That subject to the regulations herein contained, and to be contained in any deed of settlement of any joint stock company completely registered under this Act, it shall be lawful for every shareholder of such company and he is hereby entitled to sell and transfer his shares therein by deed duly stamped, in which the full amount of the pecuniary consideration for such sale shall be truly expressed, and which instrument of transfer must be according to the Form in the Schedule (K.) to this Act annexed, or to the like effect; and that the directors of the company shall cause a memorial of such instrument of transfer, when produced at the office of the company, to be entered in a book to be called "the Register of Transfers," and the entry thereof to be indorsed on the instrument of transfer; and for every such entry and indorsement the company may demand any sum not exceeding 1s.; and that until such instrument of transfer shall have been so produced at the office of the company the purchaser of the share shall not be entitled to receive any of the profits of the company, or to vote in respect of such share: Provided always, that if at the time of such transfer the shareholder shall not have paid the full amount due and payable to the company on every share held by him, then he shall not be entitled to transfer any share, unless there be a provision to the contrary in the deed of settlement.

LV. That if any shareholder fail to pay any instalment of capital due upon or in respect of any share held by him, when the same shall become due, it shall be lawful for any such company and they are hereby authorized to sue such shareholder for the amount in an action of debt in any court having competent jurisdiction in respect of the same; and that in the declaration in any such action it shall be sufficient to state only that at the time of the commencement of the suit the defendant, as the holder of certain shares (stating how many) in a certain company or undertaking, as the case may be, (naming it), was indebted to the company in a certain sum (stating the amount of the instalments, or so much thereof as is sought to be recovered,) for certain instalments of capital then due and payable in respect of the said shares, and that the defendant hath not paid the same; and that if upon the trial of any such action it shall be proved that the defendant was the holder of any share when such instalments, or any of them, in respect of the same, and for which the action is brought, became due, then such company shall recover such instalments, or so much thereof as is due, together with interest for the same at the rate of 5l. per centum per annum, to be computed from the day on which such instalment shall have become due.

LVI. That if any share be held jointly by several persons, then any notice required to be given shall be given to such of the said persons whose name shall stand first on the register of shareholders, and notice so given shall be sufficient notice to all the proprietors of such share, and the person so standing first shall be entitled to vote, and to have all the privileges hereby conferred on shareholders.

LVII. That at every principal place of business of any joint stock company completely registered under this Act it shall be the duty of the directors and officers of the company and they are hereby respectively required to have written or printed copies of an index or abstract of the deed of settlement, approved by the registrar of joint stock companies, and a list of the shareholders of the company, and the number of shares held by each, and also a list of the directors and officers thereof, and a copy of the bye-laws sealed with the seal of the company, as returned to the said registry office; and that if at any reasonable time any shareholder, or any person authorized in writing by him, apply at any such place of business of the company, to inspect the same, then, on demand thereof made during the usual hours of business, it shall be the duty of the directors or officers and they respectively are hereby required to permit such inspection; and that if on such demand any such director or officer to whom such demand is made do not thereupon permit such inspection, then, on conviction thereof, he shall be liable to pay for every such offence a sum not exceeding 40s.

LVIII. With regard to all joint stock companies to which this Act is hereinbefore made to apply, and which shall exist on the 1st of November, 1844, whether incorporated by Act of Parliament or by charter, or privileged by letters patent, or established by virtue of a deed of settlement, or of any other instrument, or by virtue of any authority whatever, or in any other way whatever, That within three months from the said 1st of November the directors, managers, officers, or others having the direction, management, conduct, superintendence, or execution of the affairs of any such company, shall register such company at the office for the registration of joint stock companies, and for that purpose shall make or cause to be made a return of the following particulars, according to the Schedule (L.) hereunto annexed; that is to say,

1. The name or style of the company; and also,
2. The purpose of the company; and also,
3. The principal or only place for carrying on its business:

And that on such registration every such company shall be entitled to have a certificate of registration, without paying any fee either for such registration or for such certificate, but such certificate shall be for the purpose of shewing that such company had registered, and shall not be considered as a certificate of complete registration, so as to confer on any such company the powers and privileges of this Act; and that if within the said period the persons hereby required to register any such company fail so to do, then, on conviction thereof, every such company so failing shall forfeit for every such offence a sum not exceeding 50l.

LIX. With regard to such existing companies as aforesaid (except assurance companies), That if any such existing company be so constituted as is by this Act required with regard to any future company, or if the deed or deeds of settlement of such existing company contain the particulars by this Act required to be contained in some one or other deed of settlement of such future company, and if any other conditions required to be fulfilled by or in respect of any such future company, in order to obtain a certificate of complete registration, be fulfilled in respect of any such existing company, then such existing company shall be entitled to obtain a certificate of complete registration; but if such existing company be not so constituted, or if such deed of settlement do not contain such particulars, or if such other conditions be not fulfilled, then, on such existing company returning a deed or deeds according to the provisions of this Act, and also, in addition to any other matters by this enactment required to be returned by such existing company, such other matters as are by this Act required to be returned by any future company in order to obtain or before obtaining a certificate of complete registration as aforesaid, or such modification of the said deeds or returns, or of any of them, as the Committee of Privy Council for Trade shall direct by any regulation to be made in that behalf, either on the part or in respect of any one company or of any class of companies, and signed by one of the secretaries of the said committee, such existing company shall be entitled to a certificate of complete registration; and on such certificate of complete registration being granted by the registrar of joint stock companies it shall be lawful for such existing company, its shareholders, its directors, and its officers, and they are respectively hereby empowered, to have and exercise all such powers and privileges as are by this Act conferred upon joint stock companies to be hereafter formed, subject nevertheless with respect to all such powers and privileges to the provisions of this Act, or of any other Act to be hereafter passed for regulating the same; and that every such company not incorporated shall be incorporated for the purposes of this Act, as from the date of the certificate of complete registration, in such manner as hereinbefore provided with regard to companies to be formed after the 1st of November next; and that any directors or other managers of any such company as last aforesaid, with the consent of at least three-fourths in number and value of the shareholders of such company present at a general meeting summoned for that purpose, may at any time or times hereafter make any alterations in the constitution of the said company or otherwise as shall be necessary for enabling such company to come within the provisions of this Act, so as the same shall be approved of by the said Committee of Privy Council for Trade; and the order of such committee, signed as aforesaid, shall be sufficient evidence of such provisions having been complied with, and that any such company has come within the provisions of this Act: Provided always, with regard to existing companies, that in the event of any such company becoming entitled to a certificate of complete registration as aforesaid it shall not be necessary to pay in respect of such certificate any higher fee than the sum of 5*l.*, and also the sum of 6*d.* additional in respect of every 1000*l.* value of capital, as declared on the formation of the company in the deed of settlement, or by any other special authority.

LX. That so much of the provisions of this Act as are applicable to companies formed after the 1st of November next shall apply to companies begun or formed since the passing of this Act, so far as such provisions shall on or after the said 1st of November be applicable to such last-mentioned companies.

LXI. Provided and enacted, That, notwithstanding the incorporation of any existing company in pursuance of this Act, every such company, and the members and officers of every such company, shall be liable to be sued in respect of any valid obligation incurred before such incorporation, in the same manner and with the same legal consequences as if such company had not been incorporated.

LXII. That if at any time during the period of five years from the said 1st of November a memorial be presented to the Committee of Privy Council for Trade, by or on the part of any company, whether now existing or hereafter formed, except assurance companies, making application that any of the conditions and regulations prescribed by this Act be dispensed with or modified, and setting forth the special grounds of such application, and if such application be registered at the office of the registrar of joint stock companies, and if, before such application be granted, the same be three times advertised, at intervals not less than one week, in the *London Gazette*, then from time to time during the said period of five years, and six months after the expiration thereof, it shall be lawful for the said Committee and they are hereby empowered, both as regards companies formed before this Act shall come into operation and afterwards, either to dispense with or modify such of the conditions by this Act required to be fulfilled by any future company for the purpose of obtaining a certificate of complete registration, and such of the regulations by this Act made for the government or management of such companies, as to the said Committee shall seem fit for facilitating the application of this Act to the constitution and arrangements of any such company, but so that nevertheless the order or instrument by which such dispensation or such modification shall be made be in writing, and be registered at the office for registering joint stock companies; and this Act shall be construed as if such modifications or alterations were herein contained; and further, that annually it shall be the duty of the said Committee to cause to be laid before both Houses of Parliament a return of all such applications for such dispensation or modification, and of the orders made on such applications.

LXIII. Provided and enacted, That nothing in this Act contained shall extend or be construed to extend to any partnership formed for the working of mines, minerals, and quarries, of what nature soever, on the principle commonly called the cost book principle.

LXIV. Provided and enacted, That nothing in this Act contained shall extend or be construed to extend to partnerships in Ireland commonly called "anonymous partnerships," formed under and by virtue of an Act passed in the Parliament of Ireland in the 21 & 22 Geo. 3. c. 46. (1.) intituled, 'An Act to promote Trade and Manufactures by regulating and encouraging Partnerships.'

LXV. And forasmuch as great injury has been inflicted upon the public by companies falsely pretending to be patronized or directed or managed by eminent or opulent persons; now for the purpose of preventing such false pretences, it is enacted with regard to every company or pretended company whatsoever, whether registered or not, and whether now existing or not, That if any person shall make any such false pretences, knowing the same to be false, in any advertisement or other

paper, whether printed or written, and whether published in any newspaper, or handbill, or placard, or circular, then every such person shall forfeit for every such offence a sum not exceeding 10*l*.

LXVI. Provided and enacted, That every judgment and every decree or order which shall be at any time after the passing of this Act obtained against any company completely registered under this Act, except companies incorporated by Act of Parliament or charter, or companies the liability of the members of which is restricted by virtue of any letters patent, in any action, suit, or other proceeding prosecuted by or against such company in any court of law or equity, shall and may take effect and be enforced, and execution thereon be issued, not only against the property and effects of such company, but also, if due diligence shall have been used to obtain satisfaction of such judgment, decree, or order, by execution against the property and effects of such company, then against the person, property, and effects of any shareholder for the time being, or any former shareholder of such company, in his natural or individual capacity, until such judgment, decree, or order shall be fully satisfied; provided, in the case of execution against any former shareholder, that such former shareholder was a shareholder of such company at the time when the contract or engagement for which such judgment, decree, or order may have been obtained was entered into, or became a shareholder during the time such contract or engagement was unexecuted or unsatisfied, or was a shareholder at the time of the judgment, decree, or order being obtained; provided also, that in no case shall execution be issued on such judgment, decree, or order against the person, property, or effects of any such former shareholder of such company after the expiration of three years next after the person sought to be charged shall have ceased to be a shareholder of such company.

LXVII. Provided and enacted, That every person against whom, or against whose property or effects, execution upon any judgment, decree, or order obtained as aforesaid shall have been issued as aforesaid shall be entitled to recover against such company all loss, damages, costs, and charges which such person may have incurred by reason of such execution; and that, after due diligence used to obtain satisfaction thereof against the property and effects of such company, such person shall be entitled to contribution for so much of such loss, damages, costs, and charges as shall remain unsatisfied, from the several other persons against whom execution upon such judgment, decree, or order, obtained against such company, might also have been issued under the provision in that behalf aforesaid; and that such contribution may be recovered from such persons as aforesaid in like manner as contribution in ordinary cases of copartnership.

LXVIII. That in the cases provided by this Act for execution on any judgment, decree, or order in any action or suit against the company, to be issued against the person or against the property and effects of any shareholder or former shareholder of such company, or against the property and effects of the company, at the suit of any shareholder or former shareholder, in satisfaction of any monies, damages, costs, and expenses paid or incurred by him as aforesaid in any action or suit against the company, such execution may be issued by leave of the Court, or of a Judge of the court, in which such judgment, decree, or order shall have been obtained, upon motion or summons for a rule to shew cause, or other motion or summons consistent with the practice of the court, without any suggestion or scire facias in that behalf; and that it shall be lawful for such Court or Judge to make absolute or discharge such rule, or allow or dismiss such motion, (as the case may be,) and to direct the costs of the application to be paid by either party, or to make such other order therein as to such Court or Judge shall seem fit; and in such cases such form of writs of execution shall be sued out of the courts of law and equity respectively for giving effect to the provision in that behalf aforesaid as the Judges of such courts respectively shall from time to time think fit to order; and the execution of such writs shall be enforced in like manner as writs of execution are now enforced: Provided, that any order made by a Judge as aforesaid may be discharged or varied by the Court, on application made thereto by either party dissatisfied with such order: Provided also, that no such motion shall be made, nor summons granted, for the purpose of charging any shareholder or former shareholder, until ten days notice thereof shall have been given to the person sought to be charged thereby.

LXIX. That all penalties and forfeitures inflicted or authorized to be imposed by this Act, and all costs and expenses for which any person may be liable under this Act or by virtue of any bye-law, and the recovery of which has not been otherwise specially hereinbefore provided, shall and may be recovered, by any person who shall proceed for the same, before any two of Her Majesty's Justices of the Peace of the county, city, or place where the offender or person liable to pay such costs or expenses shall reside, or where the offence shall be committed.

LXX. Provided and enacted, That all penalties and forfeitures recovered under this Act, and not otherwise specially appropriated, shall be applied as follows; one half thereof shall be paid to the person who shall sue or proceed for the same, and the other half to Her Majesty's use, and shall be paid to the sheriff of the county, city, or town where the same shall have been imposed; and that all convictions before Justices shall be returned to the Court of Quarter Sessions under the provisions of an Act, 3 Geo. 4. c. 46, intitled, 'An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated,' and shall be paid to the sheriff of the county, city, or town, and shall be duly accounted for by him.

LXXI. That in all cases in which any penalty or forfeiture or any costs or expenses are recoverable before two Justices of the Peace under this Act, it shall and may be lawful for any one Justice of the Peace to whom complaint shall be made of any such offence to summon the party complained of, and the witnesses on each side, before any two such Justices; and at the time and place mentioned in such summons, or at any adjournment of such summons, the said two Justices may hear and determine the matter of such complaint, and upon due proof thereof, either by confession of the party or by the oath of one or more credible witness or witnesses, give judgment or sentence on such complaint with costs, to be allowed by such Justices, although no information in writing shall have been exhibited or taken; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if an information in writing had been exhibited; and all penalties, forfeitures, and costs so adjudged may be levied by distress and sale of the goods and chattels of the party offending, by warrant under the hand and seal of any one Justice; and in default of such distress the offender may be committed to prison by any one Justice, by warrant under his hand and seal, there to remain for any time not exceeding three months unless such penalties, forfeitures, and costs shall be sooner paid.

XXXII. That if any person shall be summoned as a witness to give evidence before such Justices of the Peace touching any matter which such Justices are hereby authorized to inquire into, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such Justices, or appearing shall refuse to be examined on oath and give evidence before such Justices, then every such person shall forfeit for every such offence a sum not exceeding 5*l.*, to be levied and paid in such manner and by such means as are hereinbefore directed as to other penalties recoverable before Justices under this Act.

XXXIII. That every proceeding for any offence punishable on summary conviction by virtue of this Act shall be commenced within six months after the commission of the offence, and not after.

XXXIV. That if any person shall think himself aggrieved by the judgment of such Justices, he may, within one month next after such conviction, and upon giving ten days notice of appeal in writing to the party in whose favour such judgment shall have been given, stating the nature and grounds of appeal, and upon entering into recognizances with two sufficient sureties to the amount of the value of such penalty and costs, together with such further costs as shall be awarded in case such judgment shall be affirmed, appeal to the next General Quarter Sessions of the Peace for the county, city, or place where such conviction shall have been made; and the Justices at such sessions are hereby empowered to summon and examine witnesses on oath, and to hear and finally determine the matter of such appeal, and to award such costs as the Court shall think reasonable to the party in whose favour such appeal shall be determined.

XXXV. That no conviction or other proceeding before Justices under this Act shall be set aside for want of form, nor be removed by certiorari or otherwise into any of Her Majesty's superior courts of record.

XXXVI. That in any case to which a penalty is annexed by this Act the whole or any part of such penalty may be recovered by action of debt in any court now or hereafter having competent jurisdiction, by any person who shall sue for the same; and that in every such action for the recovery of such penalty, so much of such penalty as is sought to be recovered shall be indorsed on the writ of summons, and the plaintiff shall not be entitled to recover a greater sum than the sum so indorsed; and if the party suing for any such penalty recover the same or any part as aforesaid, he shall be entitled to full costs of suit.

XXXVII. That it shall not be lawful for any person to commence or prosecute any action, bill, plaint, information or prosecution in any of Her Majesty's superior courts for the recovery of any penalty or forfeiture incurred by reason of any offence committed against this Act, unless the same be commenced or prosecuted in the name and with the consent of Her Majesty's Attorney General; and that if any action, bill, plaint, information, or prosecution, or any proceeding before any Justices as aforesaid, shall be commenced or prosecuted in the name of any other person than is in that behalf before mentioned, the same shall be and are hereby declared to be null and void.

XXXVIII. That with regard to every act, instrument, or writing by this Act required or authorized to be done or to be made or executed by the Committee of Privy Council for Trade, that if the same purport to be so done, made, or executed by or on behalf of the said Committee, and be signed by one of the secretaries of the said Committee, and (if it require a seal) be sealed by the seal of the said Committee, then it shall be deemed to be sufficiently done, made, or executed, to all intents and purposes.

XXXIX. That it shall be the duty of the registrar of joint stock companies to make a report annually to the said Committee of Privy Council for Trade, setting forth,—

1. A list of companies provisionally registered during the past year :
2. A list of companies completely registered during the past year :
3. A list of cases in which application shall have been made for the enforcement of penalties for failure to register, and the proceedings, whether by prosecution or otherwise, taken in consequence of such applications, and the results of such proceedings :
4. A list of companies which shall have been provisionally registered, but which have not obtained complete registration :
5. A return of the regulations made by the said Committee with regard to the returns required to be made by companies :
6. A return of persons appointed to the office of registrar of joint stock companies, and other officers and clerks, and of their salaries or other remuneration, and of the rules made for the regulation of the said office :
7. A return of the amount of all fees paid for certificates of provisional or complete registration, and for every other purpose :
8. A return of the scale of fees appointed by the Commissioners of Her Majesty's Treasury for the services to be performed by the registrar, and of the respective amounts of such fees :
9. A return of the cases in which the companies had failed to appoint auditors, and of the proceedings taken thereon :
10. A return of prosecutions under this Act for any offences not hereinbefore specified :
11. A return of the number of bankruptcies of joint stock companies, and of the amount of the debts and assets of such companies respectively :
12. A return of modifications made by the Committee of Privy Council for Trade, in pursuance of this Act, in the conditions and regulations to be observed by companies, whether existing or future :

And that, within six weeks after the meeting of Parliament next after the 1st of January in every year, such report shall be laid before both Houses of Parliament.

XXXX. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A).—See § 7.

LIST of PURPOSES for which Provision is required to be made by the Deed of Settlement of a Company before such Company can obtain a certificate of complete Registration.

I.—*For the holding of Meetings, and the Proceedings thereat; viz.*

1. For holding ordinary General Meetings of the Company once at the least in every Year, at some appointed Place and Time.
2. For holding extraordinary Meetings, either upon the convening of the Directors of the Company, or upon the Requisition of not less than Five Shareholders.
3. For the Adjournment of Meetings.
4. For the Advertisement and Notification of Meetings, and the Business to be transacted thereat.
5. For defining the Business which may be transacted at meetings, ordinary and extraordinary, or at adjournments thereof.
6. For the Appointment of the Chairman at any Meeting of the Company.
7. For ensuring that each Shareholder shall have a Vote; and where it is not provided that each Shareholder is to have a Vote in respect of each Share, the Appointment of the Number of Votes to be given by Shareholders in respect of any Number of Shares held by them.
8. For enabling Guardians, Trustees, and Committees to vote in respect of the Interests of Infants, Cestuique Trusts, Lunatics and Idiots.
9. For ascertaining what shall be the Majorities or Numbers of Votes requisite to carry all or any Questions, and where a simple Majority is to decide.
10. For prescribing the Mode and Form of the appointment of Proxies to vote in the Place of absent Shareholders, and for limiting the Number of Proxies which may be held by any one Person.
11. For determining Questions where the Votes are equally divided, whether by the casting Vote of the Chairman or otherwise.

II.—*For the Direction of the Execution of the Affairs of the Company, and the Registration of its Proceedings; viz.*

12. For prescribing the maximum Number of Directors to be appointed; the Number of Shares or the Amount of Interest by which they are to be qualified; the Period for which they are to hold Office, so that at least One Third of such Directors, or the nearest Number to One Third, shall retire annually, subject to Re-election if thought fit; and for the Determination of the Persons who shall so retire in each Year.
13. For filling up Vacancies in the Office of the Directors as they occur; but not so as to enable the Board of Directors (if the filling up be assigned to them) to fill up such Vacancy for a longer Period than until the next General Meeting of the Company.
14. For the Continuance in Office of Directors in default of Election of new Directors.
15. For regulating the Meetings of Directors, the Quorum thereof, the Proceedings thereat, and the Adjournment thereof.
16. For recording the Attendances of Directors, and reporting the same to the Shareholders.
17. For the Determination of Questions upon which the Votes of the Directors may be equally divided.
18. For the Appointment of a Person to take the Chair of the Directors, and for supplying any Vacancy in the Office of Chairman.
19. For the Appointment of the Chairman of the Directors at Meetings at which the permanent Chairman may not be present.
20. For regulating the Appointment by the Directors of Officers, Clerks, and Servants.
21. For recording the Proceedings of the Directors.
22. For keeping and entering of Minutes of such Proceedings.
23. For ensuring the safe Custody of the Seal of the Company, and for regulating the Authority under which it is to be used.
24. For providing for the Remuneration of the Auditors of the Accounts of the Company.
25. For providing for the Appointment of a Secretary or Clerk (if any) of the Directors.
26. For providing for the Receipt, Custody, and Issue of Monies belonging to the Company.
27. For providing for the keeping of Books of Account, and for periodically balancing the same.
28. For keeping the Records and Papers of the Company.
29. For prescribing and regulating the Duties and Qualifications of Officers.
30. For determining what Books of Accounts, Books of Registry, and other Documents may be inspected by the Shareholders of the Company, and for regulating such Inspection.

III.—For the Distribution of the Capital of the Company into Shares, or for the Apportionment of the Interest in the Property of the Company; viz.

31. For determining whether Calls or Instalments of Payments (if any) are to be made in certain Amounts and at fixed Periods, and if so, what Amounts and at what Periods.
32. For determining whether, on Failure to pay any Instalments or Calls, the Share shall or shall not be forfeited, and if forfeited, whether and on what Conditions the Property in such Share may be recovered by the Shareholder.
33. For determining whether, and under what Circumstances, and on what Conditions, the Capital of the Company may be augmented, by the Conversion of Loans into Capital or otherwise, or by the Issue of new Shares or otherwise.
34. For determining whether the Amount of new Capital shall or shall not be divided so as to allow such Amount to be apportioned amongst the existing Shareholders.

IV.—For the borrowing of Money; viz.

35. For determining whether the Company may borrow Money, and if so, whether on Bond or Mortgage, or any other and what Security.
36. For determining whether the Directors may contract Debts in conducting the Affairs of the Company, and if so, whether to any definite Extent.
37. For determining whether and to what extent the Directors may make or issue Promissory Notes.
38. For determining whether and to what extent the Directors may accept Bills of Exchange.

SCHEDULE (B.)—See § 7.

CERTIFICATE required to be indorsed on the Deed of Settlement and signed by Two Directors.

We do hereby certify, That the within-written Deed is the Deed of Settlement of _____ Company,
and that to the best of our Knowledge the Particulars therein contained are correctly set forth.

SCHEDULE (C.)—See § 4.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. 6, 1844.

FOR PROVISIONAL REGISTRATION.

Name and Business of the Company.

Name of the proposed Company.	Business or Purpose.	Place of Business (if any).

Promoters of the Company.

Names.	Occupation.	Places of business (if any).	Places of Residence.

•• The Names of the Provisional Officers may be added to this Return under a separate Head, and the Subscribers may be given in a similar Manner.

APPENDIX TO ABRIDGMENT OF STATUTES,

[CAP. CX.]

Provisional Committee or Provisional Directors.

Names.	Occupations.	Places of Business (if any).	Places of Residence.	Signature of Consent to act on Committee or as a Director.

Dated this

Day of

18 .

[Signature.]

SCHEDULE (D.)

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. , 1844.

Change of Place of Business.

Name of Company.	Business or Purpose.	Former Place [<i>or principal Place, if more than One,</i>] of Business.	Present Place [<i>or principal Place</i>] of Business.

[Date.]

[Signature.]

SCHEDULE (E.)—See § 11.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. , 1844.

Transfer of Shares.

Name of Company.	Business or Purpose.	Place [<i>or principal Place, if more than One,</i>] of Business.	
Name and Place of Abode of Person by whom Transfer is made.	Name and Place of Abode of Person to whom Transfer is made.	Distinctive Numbers of the Shares transferred.	Date of Transfer.

[Date.]

[Signature.]

SCHEDULE (F.)—See § 12.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.
Change of Shareholders.

Name of Company.	Business or Purpose.	Place [<i>or principal Place, if more than One,</i> of Business.

Persons known to have ceased to be Shareholders (except by Transfer) since the last Return, dated the Day of .

Name.	Place of Abode.	Distinctive Number of Shares.

Persons known to have become Members (except by Transfer) since the last Return, dated the Day of .

Name.	Place of Abode.	Distinctive Number of Shares.

Persons whose Names have become changed by Marriage or otherwise.

Former Name.	Former Place of Abode.	Present Name.	Present Place of Abode.	Distinctive Number of Shares.

[Date.]

[Signature.]

SCHEDULE (G.)—See § 56.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.
For Registration of existing Companies, Name of the Company, Business, &c.

Name of the Company.	Business or Purpose.	Place of Business, with the Branches (if any).

SCHEDULE (H.)

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.
CORRECTED RETURN.

[Copy of former incorrect Return.]

Copy.

Amended Return, with correct Names and Descriptions [in such of the preceding Forms as are applicable to the Case under the Provisions of the foregoing Act].

[Date.]

[Signature.]

SCHEDULE (I.)—See § 50.

CERTIFICATE OF SHARE.

The Company, first completely registered on the Day of 18 .
Number
This is to certify, That A.B. of is the Proprietor of the Share, Number of the
Company, subject to the Regulations of the said Company, and that up to this Day there has been paid up, in
respect of such Share, the Sum of . Given under the Common Seal of the said Company, the
Day of in the Year 18 .

[Signature of Secretary.] (L.L.)

SCHEDULE (K.)—See § 53.

TRANSFER OF SHARES.

I A.B. of in consideration of the Sum of paid to me
by C.D. of do hereby transfer to the said Share [or
Shares], numbered in the Undertaking called the Company to hold unto the said
his Executors, Administrators, and Assigns, [or Successors and Assigns,] subject to the several Conditions on
which I hold the same at the Time of the Execution hereof. And I the said do hereby agree to take the said
Share [or Shares], subject to the same Conditions, and to the Provisions of the Deed or Deeds of Settlement of the said
Company. As witness our Hands and Seals, the Day of

[Signature.]

CAP. CXI.

AN ACT for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.

(5th September 1844.)

ABSTRACT OF THE ENACTMENTS.

1. If any incorporated commercial or trading company, or any other body of persons associated together for commercial or trading purposes, as herein described, shall commit any act which is hereby deemed an act of bankruptcy on the part of such company, a fiat in bankruptcy may issue against the same, and be prosecuted in like manner as against other bankrupts, subject to the provisions hereinafter made.
2. Bankruptcy of company not to be construed to be the bankruptcy of any member individually.
3. Service of adjudication of bankruptcy on company, and surrender, how to be made.
4. Declaration of insolvency in pursuance of a resolution of the board of directors under the common seal of the company, or signed by the chairman, and attested by the solicitor of the company, and filed in the office of the secretary of bankrupts, to be an act of bankruptcy.
5. Company not paying, securing, or compounding for a judgment debt, upon which the plaintiff might sue out execution, within fourteen days after notice requiring payment, an act of bankruptcy.
6. Company disobeying order of any Court of equity, &c., for payment of money after service of order for payment on a peremptory day fixed, an act of bankruptcy.
7. Creditor filing an affidavit of debt in one of the superior courts, and issuing a writ of summons thereon, if the company do not, within a month, pay, secure, or compound to the satisfaction of the creditor, or satisfy a Judge of their intention to defend on the merits and enter an appearance to the action, an act of bankruptcy.
8. Assignees of the estate of a company may maintain action to recover a debt; and any person may claim under a fiat against a company any debt due on the balance of accounts.
9. Member's share not to be set off against a demand which the assignees of the estate and effects of a company adjudged bankrupt may have against such member.
10. No action, &c. by a creditor of a company, so far as concerns his recourse against the person or property of any individual member, to affect his right to issue or prove under a fiat against the company for any debt remaining unsatisfied; and a fiat, or a proof or proceeding thereon, not to affect any action by a creditor, so far as concerns his recourse to the person or property of any individual member.
11. The law and practice in bankruptcy to extend, so far as applicable, to fiats under this Act.
12. The Court may order the directors of a company adjudged bankrupt, &c. to prepare and file a balance sheet and accounts, and to make oath of the truth thereof; and the Court may make allowance out of the estate for the preparation thereof.
13. Persons ordered by the Court to prepare the balance sheet to be under the like obligation to surrender at the last examination under the fiat, and to submit to be examined, &c., and to incur such danger or penalty for not conforming, &c., as is now provided against a bankrupt.
14. Persons ordered to prepare the balance sheet to have the same freedom from arrest, &c. as a bankrupt.
15. The Court, before adjudication, may summon any person, whether a member of the company or not, to give evidence as to the trading and any act of bankruptcy; and, after adjudication, the Court may summon and examine any person who is suspected to have property of the company in his possession, or to be indebted to the company, &c., and compel him to produce books, &c.
16. As to costs where a person summoned under a fiat against a company, was a member thereof.
17. Penalty on members (other than those who are ordered to prepare the balance sheet), and on other persons, wilfully concealing the estate of the company, 100*l*., and double the value of the estate concealed; and allowance to persons, other than members of the company, for making discovery thereof.
18. The Court, after adjudication, may order any treasurer, &c., or solicitor or agent of the bankrupt, to deliver to the official assignee, or to the Bank of England, all monies and securities in his custody or power, which he is not by law entitled to retain as against the bankrupt or his assignees.
19. If any person disobey any rule or order of the Court duly made, the Court to commit him to prison, there to remain until he conform, or until the Court or Lord Chancellor shall otherwise order.
20. The Court may direct the assignees of the estate of a company adjudged bankrupt to petition the Court of Chancery for directions for winding up the affairs of the company, upon which petition an order of reference may be made, and accounts taken, and upon the confirmation of the Master's report a receiver may be appointed.
21. The Court of Chancery may make order in individual claims of members in respect of the transactions of the company.
22. The Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice Chancellors, to make rules and orders as to the form and mode of proceeding for settling and enforcing contribution to be made by members of company, and the practice to be observed by the Court of Chancery and the Masters in such proceeding.
23. The Act 41 Geo. 3. (U.K.) c. 90, to extend to decrees or orders made by the Court of Chancery in any suit under this Act.
24. Decrees or orders made under this Act by the Court of Chancery may be registered in Scotland, and execution may be had as upon a decree interposed upon a bond, with a clause of registration.
25. Previous to passing the last examination the Court shall inquire into the cause of the failure of a company, and after the last examination shall cause a copy of the balance sheet to be transmitted to the Board of Trade, and certify the cause of the failure, and any special circumstances, and annex a copy of any examinations deemed material.
26. After the Court shall have certified to the Board of Trade the cause of the failure of such company, the Queen, upon the recommendation of the Board of Trade, may revoke and make void any privileges granted to the company, and determine the company.

27. *After the Court shall have certified to the Board of Trade the cause of the failure of any company adjudged bankrupt, the Board may institute prosecutions in certain cases.*
28. *Until determination of company by the Crown, it shall be considered as subsisting for the original purposes, and, notwithstanding such determination, shall be considered as subsisting so far as necessary for winding up.*
29. *Notwithstanding determination of company in any other manner, the same to be considered as subsisting so long as any matters remain unsettled.*
30. *Any member of a company adjudged bankrupt, with knowledge of or in contemplation of a bankruptcy, destroying or falsifying books, &c. of the company, or making false entries, &c., guilty of a misdemeanor.*
31. *Construction of the Act.*
32. *Commencement of Act.*
33. *Act may be amended, &c., this session.*

By this Act,

After reciting that it is expedient to extend the remedies of creditors against the property of such joint stock companies or bodies as hereinafter mentioned when unable to meet their pecuniary engagements, and to facilitate the winding up of their concerns; and it may also be for the benefit of the public to make better provision for discovery of the abuses that may have attended the formation or management of the affairs of any such companies or bodies, and for ascertaining the causes of their failure:—

It is Enacted,

I. That if any commercial or trading company now or at any time hereafter incorporated by charter or Act of Parliament, or any company or body of persons now or at any time hereafter associated together for any commercial or trading purposes, and to which any privilege or privileges or power or powers shall, before or after the passing of this Act, have been granted under the authority of the statute made and passed, 1 Vict., intituled, 'An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies, or by any Act of Parliament,' or any commercial or trading company or body which by the said statute 1 Vict., is to be considered as subsisting, and to be subject to the provisions of the said statute in manner therein mentioned, or any company or body of persons now or at any time hereafter associated together for any commercial or trading purposes, and registered either provisionally or completely under the provisions of any Act passed or to be passed in the present session of Parliament, for the registration and regulation of joint stock companies or any joint stock company now existing and comprehended within the definition therein contained of a joint stock company, shall commit any act which by this Act is to be deemed an act of bankruptcy on the part of any such company or body, a fiat in bankruptcy may issue against such company or body by the name or style of the said company or body, upon the petition of any creditor or creditors of such company or body (whether a member or members of such company or body or not), to such amount as is now by law requisite to support a fiat in bankruptcy; and the Court authorized to act in the prosecution of such fiat, and all persons acting under such fiat, may proceed thereon in like manner as against other bankrupts, subject always to the provisions hereinafter made.

II. Provided and enacted, That the bankruptcy of any such company or body in its corporate or associated capacity (as the case may be) shall not be construed to be the bankruptcy of any member of such company or body in his individual capacity.

III. That the duplicate of the adjudication of bankruptcy under a fiat against any such company or body shall be served on the person who was at the date of such fiat a chief clerk or secretary or registrar of such company or body, or (if there be no such person) on any person who was at such date a director of such company or body, personally, or by leaving the same at the head office for the time being of such company or body; and the surrender to such fiat for the purpose of consenting to, and the consent to, the advertisement of such adjudication before the expiration of the five days allowed for shewing cause against the validity thereof, may be made on behalf of such company or body by such person; provided such person shall, at the time of such surrender, make a deposition, and swear that he was, at the date of such fiat, such chief clerk or secretary or registrar, as the case may be, and that he is authorized to make such surrender.

IV. That if any such company or body shall, by virtue of a resolution to be duly passed in that behalf at a board of directors of such company or body duly summoned for that purpose, file or cause to be filed in the office of the Lord Chancellor's secretary of bankrupts a declaration in writing, in the form specified in the Schedule (A.) No. 1. hereunto annexed, that the said company or body is unable to meet its engagements, and also a minute of such resolution in the form specified in the said Schedule (A.) No. 2, such declaration and minute of resolution respectively being under the common seal of such company or body, and if such company or body have no common seal, then signed by the chairman of the board of directors who was present at the passing of such resolution, and in either case such declaration and minute of resolution being respectively attested by the attorney or solicitor of the said company or body for the time being, every such company or body shall be deemed thereby to have committed an act of bankruptcy at the time of filing such declaration, provided a fiat in bankruptcy shall issue against such company or body within two calendar months from the filing of such declaration; and a copy of such declaration and minute of resolution respectively, purporting to be certified by the said secretary, or his clerk, as a true copy, shall be received as evidence of such declaration and minute of resolution respectively having been filed by such company or body, and that upon such evidence being given, and upon proof by the attesting witness of the sealing or signature, as the case may be, of the said declaration and minute of resolution, no further evidence shall be required of the said act of bankruptcy.

V. That if any plaintiff shall recover judgment in any action personal for the recovery of any debt or money demand, in any of Her Majesty's courts of record, against any such company or body, or against any person duly authorized to be sued as the nominal defendant on behalf of such company or body, and shall be in a situation to sue out execution upon such judgment, and there be nothing due from such plaintiff by way of set-off, or which may be legally set off against such judgment, and

such company or body shall not, within fourteen days after notice in writing, served upon the said company or body, by service of the same on a chief clerk or secretary or registrar of the said company or body, or if there be no officer of such denomination) on any director of the said company or body, personally, or by the same having been left at the head office for the time being of such company or body, requiring immediate payment of such judgment debt, pay, secure, or compound for the same to the satisfaction of such plaintiff; such company or body shall be deemed to have committed an act of bankruptcy on the fifteenth day after service of such notice: Provided always, that if such execution shall in the meantime be suspended or restrained by any rule, order, or proceeding of any court of justice having jurisdiction in that behalf, no further proceeding shall be had on such notice, but that it shall be lawful nevertheless for such plaintiff, when he shall again be in a situation to sue out execution on such judgment, to proceed again by notice in manner before directed.

VI. That if any decree or order shall be pronounced in any cause depending in any court of equity, or any order shall be made in any matter of bankruptcy or lunacy against any such company or body, or against any person duly authorized to be sued as the nominal defendant on behalf of such company or body, ordering any sum of money to be paid by such company or body, and such company or body shall disobey such decree or order, the same having been served upon such company or body, by service of the same on a chief clerk or secretary or registrar of the said company or body, or (if there be no officer of such denomination) on any director of the said company or body, personally, or by the same having been left at the head office for the time being of such company or body, the person entitled to receive such sum under such decree or order, or interested in enforcing the payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced, to fix a peremptory day for the payment of such money, which shall accordingly be fixed by an order for that purpose; and if such company or body, being served in manner aforesaid with such last-mentioned order fourteen days before the day therein appointed for payment of such money, shall neglect to pay the same, such company or body shall be deemed to have committed an act of bankruptcy on the fifteenth day after the service of such order.

VII. That if any creditor or creditors of any such company or body to such amount as is now by law requisite to support a fiat shall file an affidavit or affidavits in any of Her Majesty's superior courts of law at Westminster that such debt or debts is or are justly due to him or them respectively from the said company or body, and that such company or body, as he or they verily believe, is a commercial or trading company, or body incorporated or associated as aforesaid (as the case may be), and shall sue out of the same court a writ of summons against such incorporated company, or against any person duly authorized to be sued as the nominal defendant on behalf of such associated company or body, as the case may be, and serve a chief clerk or secretary or registrar of such incorporated or associated company or body, as the case may be, or (if there be no officer of such denomination) any director of the said company or body, personally, with a copy of such summons, if such company or body shall not, within one calendar month after service of such summons, pay, secure, or compound for such debt or debts to the satisfaction of such creditor or creditors, or make it appear to the satisfaction of one of the Judges of the court out of which such writ of summons shall issue that it is the intention of such company to defend the action upon the merits, and within one calendar month next after service of such summons cause an appearance or appearances to be entered to such action or actions in the proper court or courts in which the same shall have been brought, every such company or body shall be deemed to have committed an act of bankruptcy from the time of the service of such summons.

VIII. That it shall be lawful for the assignees of the estate and effects of any such company or body to maintain any action, suit, or other proceeding against any person or persons (whether a member or members of such company or body or not) to recover any debt or demand on behalf of the said company or body against such person or persons, and for any person or persons to prove or claim under the fiat against such company or body such debt or demand as may be due to him or them (whether a member or members of such company or body or not) on the balance of accounts between him or them and the said company or body.

IX. Provided and enacted, That no claim or demand which any member of any such company or body may have in respect of his share of the capital or joint stock thereof, or of any dividends, interest, profits, or bonus payable or apportionable in respect of such share, shall be capable of being set off, either at law or in equity, against any demand which the assignees of the estate and effects of such company or body may have against such member on account of any other matter or thing whatsoever, but all proceedings in respect of such matter or thing may be carried on as if no claim or demand existed in respect of such capital or joint stock, or of any dividends, interest, profits, or bonus payable or apportionable in respect thereof.

X. That no action, suit, or other proceeding by any creditor or creditors of any such company or body shall, so far as concerns or may be necessary for the recourse of such creditor or creditors against the person, property, or effects of any member or members thereof for the time being, or any former members or member thereof, be deemed to prejudice or in any manner affect the right of such creditor or creditors to sue out or prosecute a fiat against such company or body, or his or their right to prove or claim under any fiat against such company or body any debt or demand remaining unsatisfied; and that no such fiat, or proof or proceeding thereunder, shall be deemed to prejudice or in any manner affect the right of any creditor or creditors of such company or body to institute or maintain any action, suit, or other proceeding, so far as concerns or may be necessary for the recourse of such creditor or creditors, against the person, property, or effects of any member or members thereof for the time being, or any former member or members thereof: Provided always, that nothing herein contained shall prevent remedy against copartners: Provided also, that no execution in respect of any debt or demand proveable under the fiat against any such company or body adjudged bankrupt shall be issued against the person, property, or effects of any member or members for the time being of such company or body, or any former member or members thereof, until after such debt or demand shall have been proved under such fiat, nor shall any such execution be issued after the appointment of a receiver in manner hereinafter mentioned, without leave of the High Court of Chancery.

XI. That the law and practice in bankruptcy now in force shall extend, so far as the same may be applicable, to this Act, and to fiats in bankruptcy issued by virtue of this Act, and to all proceedings under such fiats, save and except as may be otherwise directed by this Act.

XII. That it shall be lawful for the Court authorized to act in the prosecution of a fiat in bankruptcy against any such

company or body, at any time after the advertisement of the bankruptcy in the *London Gazette*, to order that the persons who were at the date of such fiat directors of such company or body, or such of them as such Court in its discretion shall think fit, or if there be no directors then such members of the company as such Court in its discretion shall think fit, shall prepare such balance sheet and accounts, and in such form as such Court shall direct, and shall subscribe such balance sheet and accounts, and file the same in such court, and deliver a copy thereof to the official assignee ten days at least before the last examination under such fiat; and such balance sheet and accounts, before such last examination, may be amended from time to time as occasion shall require, and such Court shall direct; and such persons shall make oath of the truth of such balance sheet and accounts whenever they shall be duly required so to do; and such Court may from time to time make such allowance out of the estate of such company or body for the preparation of such balance sheet and accounts, and to such person or persons, as such Court shall think fit.

XIII. That every such person ordered as aforesaid to prepare such balance sheet and accounts shall be under the like obligation to surrender to the Court authorized to act in the prosecution of such fiat, at the hour and upon the day allowed for finishing the last examination under such fiat, and to sign and subscribe such surrender, and to submit to be examined before such Court from time to time upon oath, and to make a full and true discovery of the estate and effects of such company or body, and shall incur such danger or penalty for not surrendering, or for not signing or subscribing such surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of the Court, or for refusing to sign or subscribe his examination, or for not delivering up at the last examination under such fiat all such part of the estate of such company or body, and all books, papers, and writings relating thereto, as shall be in his possession, custody, or power, or for removing, concealing, or embezzling any part of such estate to the value of 10*l* or upwards, or any books of account, papers, or writings relating thereto, with intent to defraud the creditors of such company or body, as is now by the law in force concerning bankrupts provided as to a bankrupt for not conforming to the like requisitions for the discovery of and in relation to the estate and effects of such bankrupt.

XIV. That every such person so ordered as aforesaid to prepare such balance sheet and accounts shall have such freedom from arrest and imprisonment in coming to surrender to such fiat, and such discharge, if arrested in coming to surrender, as a bankrupt now has or may have under a fiat in bankruptcy against him; and such person or persons, if in prison, may be brought before such Court, by warrant, in like manner as such bankrupt now may.

XV. That it shall be lawful for the Court authorized to act in the prosecution of a fiat in bankruptcy, issued against any such company or body, before adjudication, to summon before such Court any person (whether a member of such company, or body or not) whom such Court shall believe capable of giving any information concerning the commercial dealings or trading of, or any act or acts of bankruptcy, within the meaning of this Act, committed by, such company or body, and also to require such person so summoned to produce any books, papers, deeds, writings, and other documents in the custody, possession, or power of such person which may appear to such Court to be necessary to establish such dealings, trading, or act or acts of bankruptcy; and it shall be lawful for such Court to examine every such person upon oath, by word of mouth or interrogatories in writing, concerning the dealings or trade of, or any act or acts of bankruptcy, within the meaning of this Act, committed by, such company or body; and it shall also be lawful for such Court, after adjudication, to summon before it any person (whether a member of such company or body or not) known or suspected to have any of the estate of such company or body in his possession, or who is supposed to be indebted to such estate, or any person (whether a member of such company or body or not) whom such Court believes capable of giving information concerning any person or persons who was or were a member or members of such company or body at or before the date of the fiat, or concerning the trade, dealings, or estate of such company or body, or concerning any act or acts of bankruptcy, within the meaning of this Act, committed by such company or body, or any information material to the full disclosure of the dealings of such company or body; and it shall be lawful for such Court to examine, in manner aforesaid, every such person so summoned concerning the person of any such member, or concerning the trade, dealings, or estate of such company or body, and also to require every such person so summoned to produce any books, papers, deeds, writings, or other documents in his custody, possession, or power which may appear to such Court necessary to the verification of the deposition of such person, or to the full disclosure of any of the matters which such Court is authorized to inquire into; and every such person so summoned shall incur such danger or penalty for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of such Court, or for refusing to sign or subscribe his examination, or for refusing to produce or for not producing any such book, paper, deed, writing, or document, as is now provided against persons summoned to be examined under a fiat in bankruptcy.

XVI. That where any person who, at or before the date of a fiat in bankruptcy issued against any such company or body, was a member of such company or body, shall be summoned to attend before the Court authorized to act in the prosecution of such fiat, every such person shall have such costs and charges only (if any) as such Court in its discretion shall think fit.

XVII. That if any person who, at or before the date of the fiat against any such company or body, was a member of such company or body, but not being a person so ordered as aforesaid to prepare such balance sheet and accounts, or if any other person shall wilfully conceal any real or personal estate of any such company or body, and shall not within thirty days after the issuing of the fiat against such company or body discover such estate to the Court authorized to act in the prosecution of such fiat, or to the assignees, every such person shall forfeit the sum of 100*l* and double the value of the estate so concealed, and any person, other than a person having been a member of such company or body, who shall, after the time allowed for finishing the last examination under such fiat, voluntarily discover to such Court or the assignees any part of the estate of such company or body not before come to the knowledge of the assignees, shall be allowed 5*l* per centum thereupon, and such further reward as the major part in value of the creditors present at any meeting called for that purpose shall think fit to be paid out of the estate recovered on such discovery.

XVIII. That, after the adjudication of bankruptcy under any fiat already issued or hereafter to be issued shall have been advertised in the *London Gazette*, it shall be lawful for the Court authorized to act in the prosecution of such fiat to order any

treasurer or other officer, or any attorney or solicitor, or other agent of the company or body, or person or persons, adjudged bankrupt under such fiat, to pay and deliver over to the official assignee appointed under such fiat, or to the Bank of England, or any of the branches thereof, to the credit of the accountant in bankruptcy, according to the rules now or hereafter in force with respect to payments into the Bank of England of monies due to any bankrupt's estate, all monies or securities for money in his custody, possession, or power, as such officer or agent, and which he is not by law entitled to retain as against the bankrupt or bankrupts, or his or their assignees.

XIX. Declared and enacted, That if any person shall disobey any rule or order of the Court authorized to act in the prosecution of any fiat in bankruptcy, duly made by such Court for enforcing any of the purposes and provisions of this Act, or of any other Act relating to bankruptcy or insolvency, now or hereafter to be in force, or made or entered into by consent of such person for carrying into effect any of such purposes or provisions, it shall and may be lawful for such Court, by warrant under hand and seal, to commit the person so offending to the Queen's Prison, or to the common gaol of any county, city, or place where he shall be found or where he shall usually reside, there to remain without bail or mainprize until such person shall have fulfilled the duty required by such rule or order, or until such Court or the Lord Chancellor shall make order to the contrary.

XX. That it shall be lawful for the Court authorized to act in the prosecution of any such fiat in bankruptcy to direct the creditors' assignees of the estate and effects of any such company or body to apply to the High Court of Chancery, by petition in a summary way to the Lord Chancellor or the Master of the Rolls, praying that all such orders and directions may be given as shall be necessary for the final winding up and settling the affairs of such company or body, and to compel a just contribution from all the members of such company or body, towards the full payment of all the debts and liabilities of such company or body, and of the costs of winding up and finally settling the affairs of such company or body; and that upon the hearing of such petition it shall be lawful for the said High Court of Chancery to refer it to one of the Masters of the High Court of Chancery to take all such accounts and make all such inquiries as shall be required for the purpose of ascertaining what sum of money in the whole, and what sums of money as proportionate parts of the whole, or what sum or sums of money from time to time on account, will (having regard to the deed of settlement of such company, and the calls, contributions, debts, or demands actually paid by the several and respective members thereof, and also having regard to any proceedings in the Court of Bankruptcy, or any district Court of Bankruptcy,) be necessary and proper to be raised by calls or contributions from the respective members of such company or body for the payment and satisfaction of all the debts and liabilities of such company or body, and also of all the costs of winding up and settling the affairs of the said company; and that the High Court of Chancery, upon confirmation of the Master's report made upon any such reference, or upon making such reference, or otherwise, may order the payment of the several and respective sums of money which by such report are found necessary and proper to be paid, and may refer it to the Master to appoint a receiver to collect and receive such sums of money, and either to pay the same into the Bank of England, in the name and to the account of the Accountant General of the High Court of Chancery, to the credit of such company or body, and may upon the petition of such assignees, order such sums of money to be paid in or towards satisfaction of the debts which by the proceedings in bankruptcy shall have been found to be due to the creditors of such company or body, and all persons having claims and demands thereon, and also in satisfaction of costs, or may order such receiver to pay such sums of money in satisfaction of such debts, claims and demands, and costs in the first instance.

XXI. That if it shall appear that any individual members of such company or body have claims against each other in respect of the affairs or transactions of such company or body, it shall be lawful for the Court of Chancery, upon the petition of any member of such company or body, alleging that he hath any such claim against any other member of the said company or body, to make all such orders as shall be just for the purpose of finally settling and determining such claim, and may order the payment of such sum of money (if any) as shall appear to be due in respect of any such claim.

And after reciting that the law is defective in the means of making the members of joint stock companies contributaries for paying their debts in full, and in the means of giving relief where execution may have been had in respect of a debt due from any such company against one or a very few members of such company, and also in the means of adjusting the rights of the members of any such company amongst themselves, and finally winding up the affairs of such company;—

It is Enacted,

XXII. That it shall be lawful for the Lord Chancellor, with the advice and consent of the Master of the Rolls and the Vice Chancellors for the time being, or any two of them, from time to time, and as often as circumstances shall require, to make and prescribe such rules and orders touching and concerning the form and mode of proceeding to be had and taken in the Court of Chancery for settling and enforcing the contribution to be paid by any member or members for the time being of any such company, or any former member or members thereof, or any real or personal representative, or other persons liable in that behalf, and the practice to be observed by such Court in or relating to such proceeding, or any matters incident thereto, and the form and mode of proceeding to be had and taken before any one of the Masters of the said Court, primarily or by reference from the said Court, in any matter for or relating to contribution, as shall from time to time seem necessary and proper for the advancement of justice in such cases, and for adjusting and determining the rights and equities of the parties concerned, and for suing for and getting in the assets, and for ascertaining and discharging the liabilities of such companies, and requiring the creditors thereof to claim their debts, and finally winding up the affairs thereof, with as little delay, expense, and uncertainty as possible: Provided always, that such rules and orders shall be laid before both Houses of Parliament within one month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament; and every rule and order so made shall be binding and obligatory, and be of like force and effect as if the provisions contained therein had been expressly enacted by Parliament.

XXIII. That an Act, 41 Geo. 3. (U. K.) c. 90, intituled, 'An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of Great Britain and Ireland, and

for the better Administration of Justice within the same,' shall extend to decrees or orders made by the said Court of Chancery in any suit, proceeding, or matter under or by virtue of this Act.

xxiv. That on production of an office copy of any decree or order of the Court of Chancery made in any proceeding under or by virtue of this Act, and of an affidavit that application has been duly made to the person mentioned in such decree or order for payment of the sum thereby ordered to be paid by him, and that default has been made in payment thereof, to one of the principal clerks of the court of session in Scotland, or his deputy, for registration there, such decree or order shall thereupon be registrable and registered there in like manner as a bond executed according to the law of Scotland, with a clause of registration therein contained, and execution shall and may pass upon a decree to be interposed thereto in like manner as execution passes upon a decree interposed to such bond, and shall have the like effect upon and against the person named in such decree or order of the said Court of Chancery as if he had executed such bond.

xxv. That previous to passing the last examination under a fiat against any such company or body adjudged bankrupt it shall be the duty of the Court authorized to act in the prosecution of such fiat to inquire, by the examination of such person or persons as such Court shall think fit, into the cause of the failure of such company or body; and after the passing of such last examination, or after the time allowed by such Court for that purpose shall have elapsed, such Court shall cause a copy of the balance sheet filed in the court under such fiat to be transmitted to the Committee of Privy Council for Trade and Plantations, and such Court shall at the same time certify in writing to the said Committee what, in the opinion of such Court, was the cause of the failure of such company or body, and shall have liberty to state any special circumstances relating to the formation or management of the affairs of such company or body, and shall cause to be annexed to such certificate a copy of the examination of any person or persons taken under such fiat, and which such Court shall deem material, relating to the formation or management of the affairs of such company or body.

xxvi. That after the Court shall have certified to the Committee of Privy Council for Trade and Plantations the cause of the failure of any such company or body adjudged bankrupt it shall and may be lawful for Her Majesty, her heirs and successors, upon the recommendation of the said Committee, by any instrument in writing under her or their Great Seal of Great Britain, or Privy Seal, to signify her or their pleasure for revoking and making void, and thereby to revoke and make void, all the powers, privileges, and advantages at any time, by any charter or letters patent or Act of Parliament, granted to such company or body, and to determine the same; and thereupon the said powers, privileges, and advantages shall accordingly be revoked, and the same company or body shall be determined, without any inquisition, scire facias, or any matter or thing to make void or determine the same, anything in such charter or letters patent or Act of Parliament contained to the contrary notwithstanding.

xxvii. That after the Court shall have certified to the Committee of Privy Council for Trade and Plantations the cause of the failure of any such company or body adjudged bankrupt the said Committee may, whenever it shall think fit, cause all the papers relating to such failure, and to the formation and management of such company or body, and to the conduct of any of the directors or other officers of the said company or body therein, or to any or either of such matters, to be laid before Her Majesty's Attorney General, who shall direct whether any and what proceedings shall be taken thereupon against any person who was a director or other officer of such company or body, or any other person; and any prosecution or other proceeding which shall be thereupon directed by the Attorney General shall be conducted by or under the direction of the Commissioners of Her Majesty's Treasury.

xxviii. Provided and enacted, That until the determination of such company or body by Her Majesty, her heirs or successors, such company or body, and the persons who were officers thereof at the time of such determination, shall respectively be considered as subsisting, and as continuing such officers as aforesaid, for all the purposes for which the same was originally constituted, and that, notwithstanding such determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the concerns of such company or body under the fiat issued against such company or body.

xxix. That, notwithstanding the determination of any company or body incorporated or associated within the meaning of this Act, as the case may be, by any other means than as last aforesaid, such company or body, and the persons who were officers thereof at the time of such determination, shall respectively be considered as subsisting, and as continuing such officers as aforesaid, for all the purposes of this Act, so long and so far as any matters relating to such company or body shall remain unsettled.

xxx. That if any person, being a member of any such company or body which shall be adjudged bankrupt, shall, after and with knowledge of an act of bankruptcy within the meaning of this Act committed by such company or body, or in contemplation of the bankruptcy of such company or body, have destroyed, altered, mutilated, or falsified any of the books, papers, writings, or securities of such company or body, or made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud the creditors of such company or body, or to defeat the object of this or any other statute relating to bankrupts, every such person shall be deemed to be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned in any common gaol or house of correction for any term not exceeding three years, with or without hard labour.

xxxi. That in construing this Act all powers given or duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and bodies corporate as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well

as a male; and the words "flat in bankruptcy" shall mean also and include any commission of bankrupt; unless (in the cases above specified) a different construction shall be provided, or the construction be repugnant to the subject-matter or context.

xxxii. That this Act shall commence and take effect on the 1st of November next.

xxxiii. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Declaration of Insolvency by incorporated or associated Commercial or Trading Company.

By virtue of a Resolution duly passed in that behalf on the _____ Day of _____ at a Board of Directors of [here state the Name or Style of the Company], duly summoned for that Purpose, it is hereby declared, That the said Company [or Society, &c., as the case may be,] is unable to meet its Engagements.

Dated this _____ Day of _____ in the Year _____

(Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.)

Witness
of the Court of _____
of the said Company, and attesting Witness to the Execution hereof as such Attorney [or Solicitor].

G. H., Attorney [or Solicitor]
and Attorney [or Solicitor]

SCHEDULE (A.)

No. 2.

Minute of Resolution of a Board of Directors of incorporated or associated Commercial or Trading Company, authorizing a Declaration of Insolvency.

A RESOLUTION was duly passed on the _____ Day of _____ at a Board of Directors of [here state the Name or Style of the Company], duly summoned for that Purpose, that the said Company was then unable to meet its Engagements, and that a Declaration of Insolvency should be forthwith filed in the Office of the Lord Chancellor's Secretary of Bankrupts, in the Form directed by the Statute in that Case made and provided.

(Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.)

Witness
of the Court of _____
of the said Company, and attesting Witness to the Execution hereof as such Attorney [or Solicitor].

G. H., Attorney [or Solicitor]
and Attorney [or Solicitor]

A

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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

7 & 8 VICTORIÆ.

- i. An Act to enable the Ribble Navigation Company to raise a further Sum of Money; and to enable the Owners of reclaimed Lands to pay a Sum in gross in lieu of the annual Rents.
- ii. An Act to effectuate the Sale by the Bolton and Preston Railway Company of their Railway and other Property and Effects to the North Union Railway Company; to incorporate with such last-mentioned Company the Proprietors of the Bolton and Preston Railway; and to consolidate Shares into Stock.
- iii. An Act to amend the several Acts relating to the Great Western, the Cheltenham and Great Western Union, and Oxford Railways; to amalgamate the Two last-mentioned Railways with the Great Western Railway; and to authorize the formation of additional Works at Cheltenham by the Great Western Railway Company.
- iv. An Act to amend and enlarge some of the Provisions of the Act authorizing the Construction of the Yarmouth and Norwich Railway, and to authorize the construction of certain new Works in connexion therewith.
- v. An Act for making a Railway from the London and South-western Railway to Guildford in the county of Surrey.
- vi. An Act for providing for the Liquidation of the Debt owing by the Charitable Workhouse of the city of Edinburgh, for regulating the Assessment for Relief of the Poor of the said city, and for other Purposes relating thereto.
- vii. An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty, for abolishing certain Petty and Market Customs in the city of Edinburgh, and granting other Duties in lieu thereof.
- viii. An Act for establishing a Market in the town of Glossop in the county of Derby.
- ix. An Act to amend the Powers and Provisions of an Act of the First Year of King William the Fourth, for making the River Waveney navigable for Ships and other Seaborne Vessels from Rosehall Fleet to the mouth of Oulton Dyke, and for making and maintaining a navigable Cut from the said River into the said Dyke.
- x. An Act to alter and extend the Provisions of an Act for improving the Navigation of the River Severn.
- xi. An Act for enabling the Company of Proprietors of the Birmingham Canal Navigations to borrow a further Sum of Money; and to extend and alter some of the Provisions of their present Acts.
- xii. An Act for more effectually lighting with Gas the borough and parish of Rochdale in the county of Lancaster.
- xiii. An Act to amend and enlarge the Provisions of Two several Acts, for lighting with Gas the town of Liverpool and certain Places adjacent thereto.
- xiv. An Act for regulating Legal Proceedings by or against the Durham County Coal Company, and for other Purposes.

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- xv. An Act for making a Railway from Norwich to Brandon, with a Branch to Thetford.
- xvi. An Act for maintaining a Railway from the Manchester and Leeds Railway to Heywood; and for amending the Acts relating to the Manchester and Leeds Railway.
- xvii. An Act for enabling the Manchester and Birmingham Railway Company to vary the Line of their Branch Railway to Macclesfield, and to make another Branch therefrom; and for amending the former Acts relating to the said Company.
- xviii. An Act to consolidate the North Midland, Midland Counties, and Birmingham and Derby Junction Railways.
- xix. An Act to rectify a Mistake as to the Proceedings on the Eastern Counties Railway Bill and the Eastern Counties Railway (Brandon and Peterborough Extension) Bill.
- xx. An Act to authorize the letting on Lease to the Eastern Counties Railway Company of the Railways and Works of the Northern and Eastern Railway Company, and to give effect to certain Arrangements entered into by the said Companies, and to amend and enlarge some of the Provisions of the Acts relating to the first-named Company.
- xxi. An Act for vesting the Leeds and Selby Railway in the York and North Midland Railway Company, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway.
- xxii. An Act for making a Railway from Rampside and Barrow to Dalton, Lindale, and Kirkby Ireleth, in the County Palatine of Lancaster, to be called "The Furness Railway."
- xxiii. An Act to amend an Act for maintaining the Pier and Harbour of Newquay in the county of Cornwall, and to make certain Tram Roads in connection therewith.
- xxiv. An Act for regulating, maintaining, and improving the Port of Padstow in the county of Cornwall, and the navigable Parts of the River Camel or Allen in the same county.
- xxv. An Act to enable the South-Eastern Railway Company to make a Railway from the said South-Eastern Railway near Ashford to the city of Canterbury and the towns of Ramsgate and Margate, and to join the Canterbury and Whitstable Railway.
- xxvi. An Act for enabling the Pontop and South Shields Railway Company to widen a Part of their Railway, and to make a Branch therefrom; and for other purposes.
- xxvii. An Act for authorizing the Sale of the Durham Junction Railway to the Newcastle and Darlington Junction Railway Company; and for enabling the said Company to make a Station at Gateshead, with a Bridge and Approaches, to connect the said last-mentioned Railway with the town of Newcastle-upon-Tyne; and for other Purposes.
- xxviii. An Act for making a Harbour and Dock near to Hartlepool in the county of Durham.
- xxix. An Act for dividing, allotting, and inclosing Lands in the Hamlet of Thetford in the parish of Streatham in the Isle of Ely and county of Cambridge; and for draining and embanking certain Parts of the said Lands, and other Lands in the said Hamlet, and in other parishes in the said Isle and County.
- xxx. An Act for granting certain Powers to "The New British Iron Company."
- xxxi. An Act for enabling the Northern Coal Mining Company to raise Money for paying off existing Debts of the Company.
- xxxii. An Act to authorize the Purchase of "Monk's Ferry" by the Commissioners for the Improvement of Birkenhead, Cloughton-cum-Grange, and Part of Oxton, in the county of Chester, and for amending the Acts relating to the said Commissioners.
- xxxiii. An Act for opening certain Streets and otherwise improving the town of Salford; and for amending an Act passed in the Eleventh Year of the Reign of His Majesty King George the Fourth, for better cleansing and improving the said town of Salford in the county palatine of Lancaster.
- xxxiv. An Act for making a Railway from the town of Blackburn to the North Union Railway in the township of Farrington near Preston, all in the county of Lancaster.
- xxxv. An Act to enable the Northern and Eastern Railway Company to make certain deviations in the Line of their Railway between Bishops-Stortford and Newport; and to alter and amend the Acts relating to the said Railway.
- xxxvi. An Act to amend the Acts relating to the Maryport and Carlisle Railway, and for making certain Extensions and Branches connected therewith.
- xxxvii. An Act for making a Railway from the Lancaster and Preston Junction Railway at Lancaster to or near to the city of Carlisle.
- xxxviii. An Act for extending and amending some of the Powers and Provisions of the Act relating to "The Leeds New Gas Company."
- xxxix. An Act to enable the Globe Insurance Company to alter and amend some of the Provisions of their Deed of Settlement.
- xl. An Act for the good Government and Police Regulation of the Borough of Manchester.
- xli. An Act for the Improvement of the town of Manchester.
- xlii. An Act for amending and rendering more effectual an Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of Lakenheath and Brandon in the county of Suffolk.
- xliii. An Act to enable the President, Treasurers, Deputy Treasurers, Benefactors and Subscribers, of and to the Manchester Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum to enlarge the said Infirmary, and to purchase and hold Land for the Erection of a new Lunatic Hospital or Asylum.
- xliv. An Act to amend an Act for altering and amending several Acts for the Improvement of the Harbour of Swansea in the county of Glamorgan.
- xlv. An Act for uniting the Sheffield Gas Light Companies.
- xlvi. An Act to facilitate the Settlement of the Affairs of the British Iron Company.
- xlvii. An Act to enlarge the powers granted by an Act passed in the Second Session of the Fifth Year of Her present Majesty, intituled, 'An Act for regulating legal Proceedings by or against the Cwm Celyn and Blaينا Iron Company, and for granting certain Powers thereto.'
- xlviii. An Act for regulating legal Proceedings by or against "The European Life Insurance and Annuity Company," and for granting certain Powers thereto.
- xlix. An Act for making and maintaining a Turnpike Road from Sidmouth to Collumpton, and also to or near to Hek Mill in the parish of Bradninch, all in the county of Devon.
- l. An Act to amend Three Acts, for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Counties of Kent and Sussex draining into the River Rother and Channel of Appledore.
- li. An Act to alter and amend an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for the

- better Protection of Property in the borough of Liverpool from Fire.
- lii. An Act to explain and amend the Acts incorporating the British Society for extending the Fisheries and improving the Sea Coasts of the Kingdom; for enlarging and improving the harbour of Pulteney Town in the county of Caithness; and for lighting, cleansing, and improving the said Town, and better supplying the same with Water.
- liii. An Act for amending certain Acts for paving, cleansing, and lighting the Streets and other public passages and places within the city and borough of Canterbury.
- liv. An Act for improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation, within the town and county of the town of Southampton.
- lv. An Act to amend the several Acts relating to the Preston and Wyre Railway, Harbour, and Dock Company.
- lvi. An Act for better supplying with Water the Parishes of Saint Michael, the Holy Trinity, and Saint John the Baptist, in the city of Coventry and county of Warwick.
- lvii. An Act for amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the West Croft, in the Parish of Saint Mary in the town and county of the town of Nottingham; and for making certain Improvements within the said Town.
- lviii. An Act to authorize an Extension of the Edinburgh and Glasgow Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway.
- lix. An Act for making a Railway from Leeds to Bradford, with a Branch to the North Midland Railway.
- lx. An Act for making a Railway from the Manchester and Bolton Railway in the parish of Eccles to the parish of Whalley, all in the county palatine of Lancaster, to be called The Manchester, Bury, and Rossendale Railway.
- lxi. An Act for enabling the York and North Midland Railway Company to make a Railway from York to Scarborough, with a Branch to Pickering.
- lxii. An Act to enable the Eastern Counties Railway Company to make a Railway from the Northern and Eastern Railway at Newport, by Cambridge, to Ely, and from thence Eastward to Brandon and Westward to Peterborough.
- lxiii. An Act to make a Branch Railway from the London and South-Western Railway to Salisbury.
- lxiv. An Act for making a Railway from the Town and Port of Whitehaven to the Town and Port of Maryport in the county of Cumberland.
- lxv. An Act for making a Railway from Chester to Holyhead.
- lxvi. An Act for making a Railway from the city of Edinburgh to the town of Berwick-upon-Tweed, with a Branch to the town of Haddington.
- lxvii. An Act for making a Railway from the Shoreham Branch of the London and Brighton Railway to Chichester.
- lxviii. An Act for making a Railway from Exeter to Plymouth, to be called "The South-Devon Railway."
- lxix. An Act to enable the South-Eastern Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of Folkestone, and to construct other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the Maidstone Branch of the said South-Eastern Railway; and to amend the Acts relating to the said Company.
- lxx. An Act for making a Railway to connect the Edinburgh and Glasgow and Slamannan Railways.
- lxxi. An Act for making a Junction Railway from the Eastern Counties Railway at Stratford in the county of Essex to the River Thames, with a branch Railway therefrom; and for constructing a Pier in the River Thames.
- lxxii. An Act for repairing, maintaining, and improving the Road from Flint Lane to Holmfrith, and thence to the Huddersfield and Woodhead Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a place called Bents to or near Dunford Bridge, all in the West Riding of the county of York.
- lxxiii. An Act for more effectually repairing the Road from Market Harborough in the county of Leicester to the city of Coventry.
- lxxiv. An Act for uniting the York Gas Light Company and the York Union Gas Light Company, and for more effectually lighting with Gas the city of York and the Suburbs and Vicinity thereof, in the county of York.
- lxxv. An Act for paving, lighting, draining, cleansing, and otherwise improving the town of Southampton, and for removing and preventing Nuisances and Annoyances therein.
- lxxvi. An Act for enabling the Mayor, Aldermen, and Burgesses of the city of Coventry to make certain Improvements, to provide a Residence for the Judges during the Assizes in the said city, and to establish a Cemetery for the Dead near the said city.
- lxxvii. An Act for making a Landing Place at or near Hythe in the parish of Fawley and extra-parochial Places adjoining thereto in the county of Southampton.
- lxxviii. An Act for authorizing the Newport Dock Company to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock.
- lxxix. An Act for constructing Tidal Basins, a Dock, and other Works at Birkenhead in the county of Chester; and for other Purposes.
- lxxx. An Act for enabling the Trustees of the Liverpool Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of Liverpool.
- lxxxi. An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the Edinburgh, Leith, and Newhaven Railway, and to make Two Branch Railways therefrom.
- lxxxii. An Act for making a Railway from the Manchester and Leeds Railway to the Towns of Ashton-under-Lyne and Staly Bridge.
- lxxxiii. An Act to enable the Sheffield, Ashton-under-Lyne and Manchester Railway Company to make a Branch Railway to Ashton-under-Lyne and Stalybridge; and to alter and enlarge the Powers of the said Company.
- lxxxiv. An Act to amend the Acts relating to the Taff Vale Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of additional Works; and to enlarge the Powers of the Company.
- lxxxv. An Act for making a Railway from Colchester to Ipswich.
- lxxxvi. An Act to amend the Acts relating to the London and South-Western Railway, and to authorize an Extension of the said Railway and other Works at or near the Nine Elms Station.

- lxxxvii. An Act to extend the Line of the Garakirk and Glasgow Railway; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway.
- lxxxviii. An Act for making a Railway from Mellorn in the parish of Minster to Black Rock in the parish of St. Michael in St. Minver Lowlands in the county of Cornwall.
- lxxxix. An Act to remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the parish of Necton in the county of Norfolk.
- xc. An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of Canada, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the Gaspé Fishery and Coal Mining Company.
- xci. An Act for making a Railway from the London and Brighton Railway to Lewes and Hastings, with a Branch therefrom, all in the county of Sussex.
- xcii. An Act for making a Railway from the London and Croydon Railway at Croydon to Epsom.
- xciii. An Act for improving the Harbour and Quay of Wells in the county of Norfolk; and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay.
- xciv. An Act for lighting, paving, cleansing, widening, and improving the Streets of the town or parish of Wells in the county of Norfolk; for removing and preventing Nuisances therein; and for making new Streets or Roadways.
- xcv. An Act for incorporating the London Gas Light Company.
- xcvi. An Act for regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company.
- xcvii. An Act to continue and extend the Powers of "The London and Croydon Railway Company."
- xcviii. An Act to alter, amend, enlarge, and in part repeal the Acts relating to the Wishaw and Coltness Railway.
- xcix. An Act for making a Railway from the River Dee in the county of the city of Chester to Wrexham in the county of Denbigh, to be called "The North Wales Mineral Railway."
- c. An Act for making and maintaining a Railway from the city of Dublin to the town of Cashel, with a Branch to the town of Carlew.
- ci. An Act for widening, repairing, and maintaining the Bridge of Ayr, commonly called the New Bridge, leading across the River of Ayr at the Royal burgh or town of Ayr in the county of Ayr; and for other Purposes in relation thereto.
- cii. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the town and borough of Swansea in the county of Glamorgan, and for removing and preventing Nuisances and Annoyances therein.
- ciii. An Act for making new Docks; and other Works connected therewith, in addition to the present Docks at Kingston-upon-Hull; and for amending the Acts relating to such last-mentioned Docks.
- civ. An Act for better lighting, paving, cleansing, watching, regulating, and improving the town of Rochdale and the Environs thereof, in the county palatine of Lancaster.
- cv. An Act for better paving, lighting, cleansing, and otherwise improving part of the parish of Newchurch in the Isle of Wight, called Ventnor, and for establishing a Market therein.
- cvi. An Act for improving the Drainage and Navigation of the Middle Level of the Fens.
- cvi. An Act for the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of Paisley, and certain towns or villages and places adjacent; and for other Purposes relating thereto.
- cvi. An Act to authorize the Division of the parish and vicarage of Leeds in the county of York into several parishes and vicarages.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

7 & 8 VICTORIAE.

1. An Act for inclosing Lands in the parish of Bury in the county of Huntingdon.
2. An Act for inclosing Lands in the parish of Ramsey in the county of Huntingdon.
3. An Act to enable the Rector, Churchwardens, and Overseers of the Poor of the parish of Bow Brickhill in the county of Buckingham to sell certain Parcels of Land in the said parish which were allotted to them under the Award of the Commissioners made in pursuance of the Bow Brickhill and Fenny Stratford Inclosure Act, passed in the Thirtieth Year of King George the Third.
4. An Act for inclosing Lands in the parish of Brandes Burton in the county of York.
5. An Act for inclosing Lands in the township of Haltwistle in the parish of Haltwistle in the county of Northumberland.
6. An Act for inclosing Lands in the manors or lordships of Farrington and Cwmgilla in the parish of Knighton in the county of Radnor.
7. An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the town and county of the town of Nottingham.
8. An Act for inclosing Lands in the parishes of Bleddfa and Llangunilo in the county of Radnor.
9. An Act for enabling George Edwards and Walter Colbourn, the Committees of the Estate of William Beckett Neachell, a Person of unsound Mind, to make Conveyances for carrying into execution an Agreement for the Partition or Division of the Real Estates of William Orme deceased, pursuant to an Order of the High Court of Chancery.
10. An Act for authorizing a new Entail to be made of those Parts of the Lands and Estate of Blythwood which lie in the county of Lanark; and for enabling Archibald Campbell Esquire, of Blythwood, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of certain Parts thereof; and for other Purposes therein expressed.
11. An Act to enable Archibald Marquess of Ailes to borrow a certain Sum of Money upon the Security of his entailed Estates of Cassillis and Culzean, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.
12. An Act to authorize the Sale of the Fee Simple of the Estates of Francis Hale Rigby of Mistley in the county of Essex, Esquire, deceased, as devised by his Will, and for laying out the Monies to arise by such Sale.
13. An Act for selling the entailed Estate of Schivas in the county of Aberdeen, belonging to Alexander Forbes Irvine Esquire, and for investing the Price thereof in the Purchase of other Lands, to be entailed in lieu of the said Estate.
14. An Act for carrying into effect a Contract between Edward Gresley Stone and Thomas Fulljames Esquires for the Sale to the said Thomas Fulljames of an Estate in the Parishes of Hasfield, Ashleworth, and Corse, in the county of Gloucester, Part of the Estates devised by the Will of John Stone Esquire, deceased, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and for vesting certain other detached Estates in the counties of Gloucester and Worcester, devised by the same Will, in Trustees, for Sale, and for investing the Monies arising therefrom in the Purchase of more convenient Estates to be settled to the same Uses.
15. An Act to authorize the Sale of a certain Leasehold Estate in the county of Kent, Part of the settled Estate of the Earl of Guildford.
16. An Act to enable Sir James John Randall Mackenzie of Seatwell, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of Certain Claims for Money laid out and to be laid out in Improvements upon the said Estate.
17. An Act for vesting in Trustees certain Parts of the entailed Estate of Seaforth, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith.
18. An Act for authorizing the sale of certain Estates in the counties of Meath and Cavan, limited by the Settlement executed on the Marriage of Pierce Morton and Louisa Morton, otherwise Somerville, his Wife, and for applying the Monies thence arising in Payment of Incumbrances affecting the said Estates prior to said Settlement.
19. An Act to authorize the Sale of certain Estates and Mines belonging to the Chapel of Willenhall in the parish of Wolverhampton in the county of Stafford; and to provide a Residence for the Incumbent of the Chapel.
20. An Act to enable the Guardian of Henry Peach Keighley Peach, an Infant, to sell the next Presentation to the Rectory and Parish Church of Idlicote in the county of Warwick.
21. An Act for enlarging the Powers contained in the Will of Sir John Ramsden Baronet, deceased, to grant Leases of the Hereditaments in the Townships of Huddersfield, Honley, Dalton, and Almondbury, devised by such Will; and for other Purposes.
22. An Act for enabling the Trustees under the Will of the late Mr. Jonathan Passingham to grant Leases of the devised Estates, with Licences to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes.
23. An Act for enabling the Trustees under the Marriage

- Settlement of William Henry Bowen Jordan Wilson Esquire to sell the Estates comprised in the same Settlement, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses.
24. An Act for enabling Trustees to sell the Estates devised by and settled to the Uses of the Will of William Harria Esquire, deceased, and for authorizing the laying out of the Monies arising therefrom in the Purchase of other Estates, to be settled to the same Uses.
25. An Act for carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the Right Honourable Thomas Lord Le Despencer deceased, out of the settled Estates of the said Thomas Lord Le Despencer deceased at Mereworth in the county of Kent and elsewhere in the said county; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates.
26. An Act to enable Thomas Alexander Baron Lovat to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.
27. An Act to enable the Trustees of the Will of Sir George William Tapps Gervis Baronet deceased, to convey a Church at Bournemouth in the county of Southampton to Her Majesty's Commissioners for building new Churches, and to endow the same.
28. An Act for enabling the Trustees of the Will of William Atkins Bowyer Esquire, deceased, to grant building, improving, and other Leases of certain Estates at Clapham in the county of Surrey, devised by the said Will and the Second Codicil thereto to the Trustees therein named.
29. An Act for effecting an Exchange of the entailed Estate of Rosehall, belonging to the Right Honourable James Edward Lord Cranstoun, situated in the county of Sutherland, for certain Lands in the county of Kincardine belonging to James Matheson Esquire, of Achany.
30. An Act for confirming and carrying into execution certain Articles of Agreement made and entered into between Charles James Lord Bishop of London, Thomas Thistlethwayte Esquire, Thomas Somers Cocks Esquire, Christopher Hodgson Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company; and for other Purposes therein mentioned.
31. An Act for vesting Parts of the Estates of William Devaynes Esquire, deceased, in Trustees, upon Trust to be sold; and for paying-off a Mortgage Debt of Eight thousand two hundred Pounds due to James Parkinson Esquire, out of the first Purchase Monies; and for laying out the Residue of the Purchase Monies, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.
32. An Act for annexing to the united Bishopricks of Down, Connor, and Dromore the House known as Down and Connor House, with the Appurtenances; and for other Purposes.
33. An Act to confirm certain Contracts for Leases made and entered into by James Weller Ladbroke Esquire of Lands and Premises at or near Notting Hill in the county of Middlesex; and to alter and enlarge the Powers of an Act passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled 'An Act to enable James Weller Ladbroke Esquire and others to grant building Leases of Lands in Kensington, Paddington, Notting Barns, and Westborne, in the county of Middlesex;' and for other Purposes relating thereto.
34. An Act to explain an Act passed in the First Year of Her present Majesty, intituled 'An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable William Henry Earl of Rochford deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for other Purposes;' and for extending the Operation of such Act to certain Parties whose Consent thereto was required.

PRIVATE ACTS,

NOT PRINTED.

35. An Act for naturalizing John Frederick Sang.
36. An Act for naturalizing Samuel Schuster.
37. An Act for naturalizing Dame Susan Victoria Regina, Widow of Sir James Nugent Baronet, deceased.
38. An Act for naturalizing Antonio Lascaridi.
39. An Act for naturalizing Michael Spertali.
40. An Act for naturalizing Paul Cababé.
41. An Act for naturalizing Frederick Figge.
42. An Act for naturalizing Henri Victor Malan.
43. An Act to enable Mary Bean Widow, and her Issue, and Edward Whitley Esquire and Charlotte his Wife, and the Issue of the said Charlotte Whitley, respectively to take the Surname and use the Arms of Rodbard.
44. An Act for naturalizing Dionysius Onufri Marianiski.
45. An Act to dissolve the Marriage of Samuel Archbutt the younger, Gentleman, with Mary Amelia his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act for authorizing the Endowment of the Curacies of Werrington and Saint Giles-in-the-Moath in the county of Devon, and the Alienation and Conveyance of the Rights of Patronage of the same Curacies respectively to Persons who shall further endow the same; and for other Purposes relating thereto.
47. An Act to dissolve the Marriage of John Cheape Esquire, a Lieutenant Colonel in the Military Service of the Honourable East India Company, with Amelia Frances Chickely Cheape his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
48. An Act to dissolve the Marriage of William Hough, a Major in the Military Service of the Honourable East India Company, with Sophia his now Wife, and to enable him to marry again; and for other Purposes.
49. An Act to dissolve the Marriage of Thomas Foreman Gape with Fanny Louisa his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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TO THE

PUBLIC GENERAL ACTS,

7 & 8 VICTORIÆ,

Shewing whether they relate to the Whole or to any Part of the United Kingdom, viz.

<i>E.</i> signifies that the Act relates to	England (and Wales; if the Subject extends so far).
<i>W.</i>	Wales only.
<i>S.</i>	Scotland.
<i>I.</i>	Ireland.
<i>E. & I.</i>	England and Ireland.
<i>G.B.</i>	Great Britain.
<i>G.B. & I.</i>	Great Britain and Ireland.
<i>U.K.</i>	The Whole of the United Kingdom.

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		Teachers of Schools, to facilitate the Recovery, by summary Process, of small Sums due to the	8. I.
		Three and a Half per Centum Annuities, (1818,) Reduction of, into 3l. 5s. per Cent. and New 3l. per Cent. Annuities	4. U.K.
		— or Three and a Half per Cent. Reduced and New Three and a Half per Cent. Annuities, Reduction of, into 3l. 5s. per Cent. and New 3l. per Cent. Annuities	5. U.K.
		— the Dividends on, exempted from the Property Tax payable for the Quarter ending 10th October 1844	39. U.K.
		Three and a Half per Cent. Dissentients. <i>See</i> Annuities.	
		Trade, for repealing certain Statutes passed in restraint of	24. G.B. & I.

	Cap. Relating to.		Cap. Relating to.
Trafalgar Square in the City of Westminster, to provide for the Care and Preservation of Tralee, to extend the Time limited by 4 & 5 Vict. c. 46. empowering the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works for improving the Navigation and Harbour of	80. E.	c. 87. for preventing the administering and taking of	78. I.
Transfer of Post Horse Licenses. <i>See</i> Horses let for Hire.	92. I.	Vagrant's Removal. <i>See</i> Removal.	
Transfer of Property, to simplify	76. E.	Van Diemen's Land, to explain and amend 5 & 6 Vict. c. 76. for the Government of	74. U.K.
Trial of Offences committed on the High Seas, for the more speedy	2. E.	Vinegar, to repeal the Excise Duty on	25. G.B. & I.
Turnpike Acts, to continue certain, until 1st August 1845	41. G.B.	Warehousing of Foreign Goods. <i>See</i> Manchester.	
Turnpike Roads, to continue, until 31st July 1845, certain Acts for regulating	36. I.	Warrants for entering Places in which Spirits are sold without Licence, to continue for Five Years so much of 2 & 3 Vict. c. 79. as enables Justices to grant	82. I.
Turnpike Trusts, to consolidate and amend the Laws relating to, in South Wales	91. W.	West Indies, for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in	17. U.K.
Unions (Art) to indemnify Persons connected with, and others, against certain Penalties	106. U.K.	Western Australia. <i>See</i> Australia (Western).	
Unlawful Oaths, to continue 2 & 3 Vict. c. 74. for extending and rendering more effectual 50 Geo. 3. c. 102. and 4 Geo. 4.		Westminster. <i>See</i> London and Westminster.	
		Woods, Forests, and Land Revenues, Her Majesty's Commissioners of, enlarging Powers of 4 & 5 Vict. c. 40. empowering them to raise Money for certain Improvements in the Metropolis	1. E.
		— for auditing the Accounts of	89. E.

THE LAW JOURNAL.

NEW SERIES.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS,

ADVERTISED IN THE LONDON GAZETTE

DURING THE YEAR

1844.

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MDCCCXLIV.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS,

ADVERTISED IN THE LONDON GAZETTE

IN THE YEAR 1844.

Gazette, Tuesday, January 2, 1844.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BAYLIS Joseph, of High-street, Deritend, in the parish of Aston juxta Birmingham, in the county of Warwick, victualler, *d. c.*—Official assignee, Bittleston.—Sols. Chilton & Co. Chancery-lane, and Benson, Birmingham. Fiat, Dec. 27. Pet. Cr. Richard Miles, of Astoujuxta Birmingham, maltster.

HOLDSWORTH George, of Salterly Mill, in the township of North-owram, in the parish of Halifax, in the county of York, worsted-spinner and manufacturer.—Official assignee, Freeman.—Sols. Emmett & Allen, Bloomsbury-square, Messrs. Alexander, Halifax, and Courtenay, Leeds. Fiat, Dec. 23. Pet. Crs. Samuel Fawcett, of Halifax, and Samuel Thwaite, of the same place, gentls.

NICHOLSON Donald, of Castle-street, Liverpool, in the county of Lancaster, hatter.—Official assignee, Turner.—Sols. Pritchard, Staple Inn, and Hume, Liverpool. Fiat, Dec. 20. Pet. Cr. Henry Pritchard, of No. 31, Stamford-street, Blackfriars-road, hat-manufacturer.

SMITH Benjamin, of Tipton, in the county of Stafford, grocer, baker, & *c.*—Official assignee, Christie.—Sols. Motteram & Giddey, Birmingham. Fiat, Dec. 28. Pet. Cr. Thomas Shorthouse, of Tipton, innkeeper.

STEVENS Robert, of Nos. 32 and 33, New-cut, Lambeth, in the county of Surrey, dealer in china, glass, and earthenware, *d. c.*—Official assignee, Belcher.—Sols. Turner & Hensman, Basing-lane. Fiat, Dec. 22. Pet. Cr. Charles Floyd, of Thornhill-place, Pentonville, dealer in earthenware.

TURNER Hewitt Fysh, of Myddleton-street, in the county of Middlesex, painted baize-manufacturer, *d. c.*—Official assignee, Graham.—Sols. Taylor & Co. Great James-street. Fiat, Dec. 29. Pet. Cr. John Hatchett, of Savage-gardens, ship-owner.

WHEATLEY John, of Kennington-cross, Lambeth, in the county of Surrey, livery-stable keeper and coach-proprietor.—Official assignee, Green.—Sol. Harpur, Kennington-cross. Fiat, Dec. 29. Pet. Cr. Cyrenius Herring, of Asylum-buildings, Westminster-road, coach-maker.

WOOD William, and Henry Port, of Burton-upon-Trent, in the county of Stafford, screw-manufacturers, *d. c.* and copartners in trade.—Official assignee, Whitmore.—Sols. Messrs. Richardson, Burton-upon-Trent. Fiat, Dec. 22. Pet. Cr. Mary Hendrick, of Burton-upon-Trent, widow.

CERTIFICATES to be allowed January 23.

London Anthony, William Cartwright, and James Blackett, of Manchester, machine-makers.

Lodgson Richard, of Sunderland, tea-dealer.

London Thomas William, of Fenchurch-street, chemist.

DIVIDENDS.

ate of Fiat.

43, **ALLISON** George, of Darlington, Durham, scrivener and ship-owner; fur. and final div.

43, **COLPITTS** Robert Sutton, of Newcastle-on-Tyne, grocer and tea-dealer; first div.

42, **LOONEY** William, late of Whitehaven, Cumberland, cooper and herring-curer; fur. and final div.

* *d. c.* dealer and chapman.

I. BANKR. 1844.

Date of Fiat.

1843, **POW** James Brough, of Newcastle-upon-Tyne, ship and insurance broker; div.

1831, **RICKETTS** John Bourke, of No. 147, Leadenhall-street, London, merchant; div.

1841, **THOMPSON** William, of Monkwearmouth Shore, Durham, ship-builder, ship-owner, and merchant; final div.

1841, **WARBURTON** John, of Clayton-square, Liverpool, Lancashire, tailor and draper, lately carrying on business with John Watson, now deceased; div.

Gazette, Friday, January 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

COOKE Michael, of Evesham, in the county of Worcester, hotel-keeper, *d. c.*—Official assignee, Valpy.—Sol. Cheek, Evesham. Fiat, Dec. 28. Pet. Cr. Nathaniel Hartland, of Oaklands, near Cheltenham, esq. on behalf of the Gloucestershire Banking Company.

CROFT William Philip Masters, of the Bull's Head, Great Windmill-street, in the county of Middlesex, victualler, *d. c.*—Official assignee, Follett.—Sol. Helder, Clement's Inn. Fiat, Jan. 4. Pet. Crs. Henry Larchin, Samuel Strong, and Henry Smith, of Ratcliff-cross, brewers.

FULLER William, of Cotton-street, Poplar, in the county of Middlesex, coal-merchant.—Official assignee, Whitmore.—Sol. Turner, Mount-place, Whitechapel-road. Fiat, Jan. 2. Pet. Cr. Thomas Miers, of Whitechapel-road, ironmonger.

NEWTON George, of Seaham Harbour, in the county of Durham, hosier and potter, *d. c.*—Official assignee, Baker.—Sols. Messrs. Chater, Newcastle, and Forster, Newcastle. Fiat, Dec. 19. Pet. Crs. John Wilkinson, warehouseman, Thomas Potts, draper, William Newbury Potts, grocer, Robert Kidd, draper, and John Featherston, grocer, all of Newcastle-upon-Tyne.

PETERS Frederick, of Manchester, in the county of Lancaster, wine and spirit merchant, *d. c.*—Official assignee, Hobson.—Sols. Messrs. Bennett, Manchester. Fiat, Dec. 30. Pet. Cr. John Chapman Green, of Manchester, spirit-merchant.

SANDERS Thomas, of Ramsgate, in the county of Kent, shoemaker, *d. c.*—Official assignee, Lackington.—Sols. Venning & Co. Tokenhouse-yard. Fiat, Dec. 27. Pet. Crs. Samuel, William, James, and George Hickson, of West Smithfield, cordwainers, and Thomas Homan and Ebeneser Herne, of Skinner-street, cordwainers.

STOKES John Marsh Edward, of St. Alban's, in the county of Herts, gas contractor, coal and coke merchant, *d. c.*—Official assignee, Pennell.—Sols. Stevens & Co. Queen-street. Fiat, Dec. 29. Pet. Crs. William Cory, sen. and jun., of Old Barge House Wharf, coal-merchants.

WALKER James, of Wheaton Aston, in the county of Stafford, machine-maker.—Official assignee, Whitmore.—Sols. Turner, Birmingham, and Smith, Birmingham. Fiat, Dec. 28. Pet. Cr. William Tomlinson, of Wheaton Aston, Staffordshire, shoe-maker.

CERTIFICATES to be allowed January 26.

Bates William, of Welbeck-street, auctioneer.

Brown William, of Liverpool, millwright, (partner with John Murray).

Duncan David, of Derby, engineer.

Emery William, of Halifax, corn-merchant.
 Farris Thomas, of Manchester-square, baker.
 Richardson Christopher, of Limehouse, timber-merchant.

DIVIDENDS.

Date of Fiat.

- 1843, BACON Benjamin, of No. 1, Anchor-street, Shoreditch, Middlesex, silk-manufacturer; div.
 1842, BOURNE John George, of Wellington-terrace, Clapham, Surrey, carpenter and builder; div.
 1842, BUSHELL William, of Evesham, Worcestershire, innkeeper and wine-merchant; final div.
 1843, BUTTENSAM Samuel, late of No. 79, Holborn-bridge, London, but now of No. 99, High Holborn, Middlesex, tea-dealer and grocer; div.
 1836, DOUGLAS Henry Alexander, of Winchester House, Old Broad-street, London, merchant, carrying on business with Samuel Anderson and John Anderson, under the style or firm of Douglas, Anderson, & Co.; joint div.
 1843, GOLDSBURY Edmund, of Hastings, Sussex, draper; div.
 1842, GOODING William, of High-street, Chatham, Kent, boot and shoe maker; final div.
 1841, HALFORD Richard, William Henry Baldock, and Osborn Snoulton, of Canterbury, bankers; sep. div. of Halford.
 1843, HAMMOND George, the elder, of Havant, Southampton, common brewer; div.
 1843, HOLLOWAY Adam, of Basingstoke, and also of Stratfield Turgis, Hants, draper; div.
 1843, HUMPHREYS William, late of Brighton, Sussex, wine-merchant; div.
 1842, HUNTSMAN Charles, of High Holborn, Middlesex, chemist; final div.
 1842, JACKSON Samuel, and Thomas Frederick Jackson, of Bermondsey-street, St. Mary Magdalen, Bermondsey, Surrey, woolstaplers; sep. div. of Jackson.
 1842, KIRKPATRICK James, of Newport, Isle of Wight, Southampton, banker; div.
 1842, LANE Joseph, the elder, of Stockport, Cheshire, cotton-manufacturer; fur. div.
 1841, ROSSELLI Pellegrino, of Lime-street, London, merchant; final div.
 1842, STEPHENSON George, of Beverley, Yorkshire, grocer and seedsman; div.
 1843, WARD John, of Nottingham, tailor and woollen-draper; div.

Gazette, Tuesday, January 9.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

GORTON William, of Gutter-lane, fishmonger and provision merchant.

TOWN AND COUNTRY FIATS.

- BLAZDELL Alexander, of No. 34, Upper Charlotte-street, Fitzroy-square, in the county of Middlesex, harp-dealer, *d. c.*—Official assignee, Green.—Sols. à Beckett & Co. Golden-square. Fiat, Dec. 26. Pet. Cr. William Byers, of No. 26, Skinner-street, warehouseman.
 BRIDGE George Cotton, of Maldon, in the county of Essex, grocer, *d. c.*—Official assignee, Groom.—Sols. Stevens & Co. Queen-street. Fiat, Dec. 29. Pet. Crs. William Cory, Emanuel Cooper, S. Jervis, and John Henry Warter, of Lombard-street, bankers.
 CLARK Caleb, of Banbury, in the county of Oxford, linen-draper, hosier, *d. c.*—Official assignee, Whitmore.—Sols. Sole & Co. Aldermanbury. Fiat, Dec. 30. Pet. Cr. James Dear, of Aldermanbury, warehouseman.
 DUNNETT William, of Manchester, in the county of Lancaster, commission-agent, auctioneer, *d. c.*—Official assignee, Stanway.—Sols. Gregory & Co. Bedford-row, and Cooper, Manchester. Fiat, Jan. 5. Pet. Cr. George Doveston, of Manchester, upholsterer.
 EASTHOPE Samuel, of Shrewsbury, in the county of Salop, whitesmith, *d. c.*—Official assignee, Christie.—Sols. Newman, Lincoln's Inn-fields, Garbett, Wellington, and Hodgson, Birmingham. Fiat, Jan. 1. Pet. Cr. Samuel Home, of Shrewsbury, gent.

EVANS Evan, of Langurdine, otherwise Llanderdeirne, near Carmarthen, in the county of Carmarthen, draper, shopkeeper, *d. c.*—Official assignee, Acraman.—Sols. Messrs. Clarke, Bristol. Fiat, Dec. 12. Pet. Crs. John Hurle, William Plummer, and Jos. Cooke, of Bristol, linen-merchants, trading under the firm of Parsons, Hurles, & Company.

ORBELL Henry, of Romford, in the county of Essex, victualler, —Official assignee, Groom.—Sols. Flower, Romford, and Gadec & Flower, Farnival's Inn. Fiat, Jan. 6. Pet. Cr. Thomas Burrell, of Leyton, Essex, cattle-salesman.

ROE Charles Bassett, and Thomas John Blachford, both of Newport, Isle of Wight, in the county of Southampton, bankers and copartners.—Official assignee, Follett.—Sols. Foster & Evans, John-street, Bedford-row, and Messrs. Sewell, Newport, Isle of Wight. Fiat, Dec. 18. Pet. Cr. William Woodward, of the Isle of Wight, gent.

SCOTT Archibald, of No. 6, Cambridge-street, Golden-square, in the parish of St. James, Westminster, in the county of Middlesex, auctioneer and appraiser, *d. c.*—Official assignee, Green.—Sols. Davies & Son, Warwick-street, Regent-street. Fiat, Jan. 5. Pet. Cr. Bartholomew Calway, of Tooley-street, draper.

SHERWOOD John, of No. 99, Wood-street, Cheapside, in the city of London, stationer, *d. c.*—Official assignee, Edwards.—Sol. Human, Earl-street. Fiat, Dec. 30. Pet. Crs. Thomas Hunt and John Hunt, of Seacoal-lane, Skinner-street, stationers.

SMITH George, of Northampton, in the county of Northampton, carpenter, builder, *d. c.*—Official assignee, Lackington.—Sol. Wright, New Inn. Fiat, Jan. 5. Pet. Cr. John Smith, of Northampton, coal and timber merchant.

TURNER James, of Honduras House, Grange-place, Hoxton, in the county of Middlesex, cabinet-maker and upholsterer.—Official assignee, Pennell.—Sols. Wire & Child, St. Swithin's-lane. Fiat, Jan. 5. Pet. Cr. Samuel Ridley, of Newgate-street, upholsterer's warehouseman.

CERTIFICATES to be allowed January 30.

- Bate William Smith, and Thomas Bate, of Rugeley, brewers, (partners with James Hellinges).
 Bourne Henry, of Wolsingham, scrivener.
 Millington John, and Thomas Salter, of Manchester, and Low Mills, near Chorley, calico-printers.
 Stevens Robert, of Stewkley, farmer.
 Taylor George, of Moreton in the Marsh, mercer.

DIVIDENDS.

Date of Fiat.

- 1842, ARNOLD Joseph Hayman, and William Henry Woollett, of Clement's-lane, London, ship-and insurance agents; fur. joint and sep. divs.
 1842, BEERBOHM Julius Ewald, and William Edmund Slaughter, of Fenchurch-street, London, merchants, trading under the firm of Beerbohm, Slaughter & Co.; sep. div. of Slaughter.
 1841, BENSUSAN Abraham Levy, and Joshua Brandon, both of No. 2, Walbrook-buildings, London, merchants; sep. div. of Brandon.
 1843, CASTLE William, of Wanborough, Wiltshire, sheep-dealer and farmer; div.
 1843, CHAPPELL Thomas, of the Swan Inn, Sudbury, Suffolk, licensed victualler and paper-hanger; div.
 1843, COLLIER Richard, of Hythe, and of Folkstone, Kent, draper; div.
 —, CONIBEERE Robert, and Edward Butler, the younger, of Birmingham, Warwickshire, woollen-drapers, trading under the firm of Conibeere and Butler; div.
 1842, GLADSTONE Samuel Palmer, of Crisp-street, East India-road, Poplar, Middlesex, shipwright; div.
 1842, HARGREAVES Benjamin, of Manchester, Lancashire, tailor and draper; final div.
 1841, HARWOOD Alexander Thomas, of Streatham, Surrey, lodging-house keeper; div.
 1842, HOLLOWAY Charles, of the Queen's Head Inn, Stockbridge, Hants, victualler; div.
 1843, JONES Henry, of Guildhall, Canterbury, victualler and wine and spirit merchant; div.
 1826, LEVETT John, of Rowley Regis, Staffordshire, farmer and nail-ironmonger; div.

Date of Fiat.

- 1842, **LOW** William Malcolm, and William Marcus Westerman, late of Calcutta, and now residing at Chundernagore, heretofore trading in copartnership with one Charles Augustus Cantor, who is now residing in England, as merchants and agents, under the style or firm of Cantor & Co.; joint div. of Low, Westerman & Cantor.
- 1843, **PARKER** Richard, of Deptford-row, Rotherhithe, Surrey, linen-draper; div.
- 1841, **POTTER** Richard, late of Gisborne Park, Yorkshire, but now of Birkacre, near Chorley, and of Manchester, both in Lancashire, John Potter, of Manchester, and James Potter, of Manchester, cotton-spinners and manufacturers, trading at Manchester, under the firm of J. & J. Potter; first div.
- 1842, **SCOTT** William, of Earl's Heaton, in Dewsbury, Yorkshire, blanket-manufacturer; div.
- 1843, **SENIOR** James, of Lascelles Hall and Waterloo, both in Kirkcaldy, Yorkshire, manufacturer of fancy clothes and common brewer; div.
- 1842, **WILLIAMS** Charles James, and Edward Nevill, of Birmingham, Warwickshire, factors and coffin-furniture makers, trading under the firm of Williams & Nevill; joint div., and sep. div. of Williams.
- 1841, **WILLIAMS** John Baynton, of Bristol, wholesale and retail ironmonger; div.

Gazette, Friday, January 12.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ARMFIELD** William, of the town of Northampton, in the county of Northampton, draper, *d. c.*—Official assignee, Belcher.—Sol. Smith, Bedford-row. Fiat, Jan. 6. Pet. Cr. John Jeffrey, of Northampton, gent.
- ASHTON** James, of Liverpool, in the county of Lancaster, manufacturing chemist, painter, *d. c.*—Official assignee, Morgan.—Sols. Dodge, Liverpool, and Bridger & Blake, Finsbury-circus. Fiat, Jan. 8. Pet. Cr. John Webb, of Edge-hill, near Liverpool, gent.
- ROBOTHAM** Thomas, of the Owen Glendower public-house, situate in Aldersgate-street, in the city of London, licensed victualler, *d. c.*—Official assignee, Alsager.—Sol. Buchanan, Basinghall-street. Fiat, Jan. 6. Pet. Cr. Henry William Slater, of Birmingham, porter-merchant.
- SOUTHGATE** Henry and William Miller Robertson, of No. 22, Fleet-street, in the city of London, auctioneers, *d. c.*—Official assignee, Turquand.—Sol. Goddard, Wood-street. Fiat, Jan. 4. Pet. Cr. the Rev. James Dallin, of Shooter's-hill, clerk, and Thomas Hancock, of Lindsey-place, Chelsea, gent., executors of the Rev. Robert Dallin, deceased.
- SPOULE** James, of Liverpool, in the county of Lancaster, wine-merchant.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Rogerson and Radcliffe, Liverpool. Fiat, Jan. 8. Pet. Cr. Dorothy Jackson, of Liverpool, spinster.
- FOOTELL** Frederick, of Edgeware, in the county of Middlesex, dealer in hay and corn.—Official assignee, Groom.—Sol. Robinson, Orchard-street, Portman-square. Fiat, Jan. 6. Pet. Cr. Edward Oldfield, of Hyde, near Edgeware, corn-merchant.

CERTIFICATES to be allowed February 2.

- rooker** John, of Southampton-row, carver and gilder.
- razer** David, of Little Tower-street, ship-owner.
- arford** John, and William Weaver Davies, of Bristol, and of Ebbw Vale, and Sirhowy, iron-masters.
- ory** John, of Meppershall, farmer.
- awes** George, of Southampton, tailor.
- arden** Richard, of Llanelly, linen-draper.
- urray** John, of Liverpool, millwright, (partner with William Brown).
- ckard** Abraham, of Dewsbury, cloth-manufacturer.
- ior** John, of Bedford, statutory and builder.

DIVIDEND.

Date of Fiat.

- LO, HORDER** Thomas William, of No. 20, Fenchurch-street, London, chemist and druggist; div.

Gazette, Tuesday, January 16.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- HARWOOD** John, and Frederick Harwood, of Fenchurch-street, stationers.
- KIDD** John, of Kendal, grocer and porter-dealer.

TOWN AND COUNTRY FIATS.

- BAKER** William, of Lower Grosvenor-street, Bond-street, in the county of Middlesex, surgeon and apothecary.—Official assignee, Johnson.—Sol. Lloyd, Great James street. Fiat, Jan. 9. Pet. Cr. William Case, of Lower Brook-street, Grosvenor-square, wine-merchant.
- BROMLEY** William, of Gray's Inn-square, Gray's Inn, in the county of Middlesex, scrivener, *d. c.*—Official assignee, Turquand.—Sols. Wild & Co. College-hill. Fiat, Jan. 8. Pet. Cr. Thomas Pickard, of Highbury-house, Islington, esquire.
- DYKE** Moses James, of Romsey, in the county of Hants, innkeeper, *d. c.*—Official assignee, Graham.—Sols. Curties, Romsey, and Bower & Co. Chancery-lane. Fiat, Jan. 9.—Pet. Cr. Samuel Gardner, Romsey, Hants, coach-builder.
- HODSON** Edward, of Thrapston, in the county of Northampton, linen-draper, *d. c.*—Official assignee, Johnson.—Sols. Messrs. Sole, Aldermanbury. Fiat, Jan. 2. Pet. Crs. James Carter Sharp and Henry Sturt, of Wood-street, warehousemen.
- KNILL** John Chamberlain, of the city of Gloucester, tailor, baker, and confectioner.—Official assignee, Hutton.—Sol. Smallridge, Gloucester. Fiat, Dec. 30. Pet. Cr. John Barrell, of Gloucester, woollen-draper.
- PHILLIPS** George, of the town of Leicester, in the county of Leicester, *d. c.*, lately an innkeeper.—Official assignee, Bittleston.—Sol. Henderson, Mansell-street, Goodman's-fields. Fiat, Dec. 29. Pet. Cr. William Potter, of Aldgate, wine and brandy merchant.
- PIGGOTT** James, the younger, of Richmond, in the county of Surrey, cabinet-maker and upholsterer, *d. c.*—Official assignee, Alsager.—Sols. Brown & Co. Mincing-lane. Fiat, Jan. 6. Pet. Crs. John Procter, David Curling, Thomas Procter, and Joseph Curling, of Cheapside, furniture-printers.
- SLESINGER** Henry and Joseph Slesinger, of Cateaton-street, in the city of London, warehousemen, importers of toys, *d. c.*, and copartners.—Official assignee, Edwards.—Sol. Spyer, Broad-street-buildings. Fiat, Jan. 11. Pet. Cr. Charles Hastelowe, of Queen-street, Worship-street, ivory-turner.
- SWENY** Charles Stewart, of No. 1, Albion-place, Hyde-park-square, in the county of Middlesex, apothecary and dealer in medicine, *d. c.*—Official assignee, Follett.—Sol. Mawe, New Bridge-street. Fiat, Jan. 15. Pet. Cr. Edward Ives Fuller, 78, Margaret-street, Cavendish-square, coach-builder.

CERTIFICATES to be allowed February 6.

- Bumby** John, of Malton, hatter.
- Jackson** Thomas Hewitt, of Sheffield, glass-cutter.
- Morgan** William, of Lichfield, bookseller.
- Tebbit** Alfred Thwaytes, of Birmingham, tea-dealer, (partner with Robert Tebbit).
- Waters** Thomas, of Christchurch, Monmouthshire, cattle-salesman.
- Whitmore** Joseph, of Stockport, pawnbroker.

DIVIDENDS.

Date of Fiat.

- 1843, **BRINSMEAD** George, of Bideford, Devonshire, retailer of flour and ship-owner; div.
- 1842, **BUTLER** Samuel, William Butler, and James Butler, all of Birmingham, Warwickshire, iron-founders; divs.
- 1843, **CREEKE** Thomas, of Cambridge, tailor and robe-maker; div.
- 1843, **DYER** John William, of Colchester, Essex, plumber, glazier, and painter; div.
- 1843, **JACKSON** Thomas Hewitt, of Sheffield, Yorkshire, glass-cutter; div.
- 1842, **JOHNSON** Thomas, of Liverpool, Lancashire, printer, stationer, and publisher; div.
- 1843, **LOWMAN** Adam Warren, and Thomas Stone Lowman, of Eastcheap, London, cheesemongers; div.

Date of Fiat.

- 1841, MARSHALL John, of Birch-lane, London, merchant; div.
 1843, PEARSALL Charles, of Anderton, Cheshire, boiler-maker and salt-pan manufacturer; first div.
 1843, SHEPHERD William, of Iron Acton, Gloucestershire, miller; div.
 1843, SMITHSON William, of Thirsk, Yorkshire, linen and woollen-draper; div.
 1843, TURNER William Henry, and Thomas Blucher Turner, trading under the style or firm of William and Thomas Turner, at Blackburn, Lancashire, as cotton-spinners and manufacturers; joint div.
 1842, WILLOCK Matthew, of Huddersfield, Yorkshire, merchant; div.
 1840, WILSON Thomas Winsmore, of Barnsley, Yorkshire, linen-manufacturer and yarn-merchant, trading under the firm of Mawer & Wilson; div.

Gazette, Friday, January 19.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

HOWE John, of Sheffield, table-knife manufacturer.

TOWN AND COUNTRY FIATS.

- BEARUP William, of the borough and county of Newcastle-upon-Tyne, joiner and builder.—Official assignee, Baker.—Sols. Lambert, Newcastle. Fiat, Jan. 8. Pet. Cr. George Thomas and Charles Milner, of Newcastle-upon-Tyne, ironmongers.
 BENTLEY Thomas, of Eccleston, in the county of Lancaster, calico-printer, *d. c.*—Official assignee, Turner.—Sols. Evans, Liverpool, Alcock & Dixon, Burnley, and Messrs. Bennett, Manchester. Fiat, Jan. 6. Pet. Cr. Nicholas England, of Colne, assignee of John Smalley, of Danbury-mill, near Chorley, corn-miller.
 LEWIS William the younger, of Axbridge, in the county of Somerset, baker, corn-factor, *d. c.*—Official assignee, Hutton.—Sols. Robins & Co., Wells. Fiat, Jan. 11. Pet. Cr. James Griffin, of North Wootton, Somerset, miller.
 REAVELEY John, of Hammond's-wharf, Queenhithe, in the city of London, paper commission-agent.—Official assignee, Green.—Sol. Cooper, Old Cavendish-street. Fiat, Jan. 16. Pet. Cr. George Sparks, of Swan-street, Minorities, sack-maker.

CERTIFICATES to be allowed February 9.

- Abbott Robert Tebbitt, of Birmingham, wholesale tea-dealer, (partner with Alfred Thwaytes).
 Bourne Thomas, of Liverpool, corn-factor.
 Brown Alexander, Henry Brown, and Richard Brown, of Liverpool, slaters and plasterers.
 Cambridge John, of Cheltenham, wine-merchant.
 Canning Samuel, of Warwick, victualler.
 Cooke Thomas, of Leicester, glove-manufacturer.
 Florence Edmund, jun., of Subdeanry, potatoe-dealer.
 Godwin Henry Morgan, and Charles Lee, of Bishopsgate-street Within, ship-owners.
 Gray John Lavender, of Jermyn-street, tailor.
 Harrison Joseph, of Brighton, coach-builder.
 Poett Joseph George, of University-street, surgeon.
 Slade William, of Bridport, boot-maker.
 Wright Joseph, of St. Sidwell, builder.

DIVIDENDS.

Date of Fiat.

- 1843, ABBOTT Robert Tebbitt, and Alfred Thwaytes Tebbitt, of Birmingham, Warwickshire, wholesale tea-dealers and coffee-roasters, carrying on trade in Birmingham, under the style or firm of Abbott, Tebbitt & Co.
 1843, AUSTEN Edward, of Walmer, Kent, grocer; div.
 1842, BEANLAND Joseph, of Birkenshaw Bottoms, in Birstal, and also of Bradford, both in Yorkshire, wooldapler, coal-miner, and toll-contractor; div.
 1843, CLAPHAM John, of Leeds, licensed victualler and innkeeper; final div.
 1842, COTTAM George, and William Osburn, the younger, both of Leeds, Yorkshire, wine and spirit merchants; div.
 1841, DOLLMAN Edward, of Church-court, Clement's-lane, London, merchant; div.

Date of Fiat.

- 1840, POPE James, and Joseph Beech, of Market-street, Manchester, Lancashire, brush-makers; fur, joint div.
 1807, WALTER Francis Twigden, of Liverpool, Lancashire, merchant; div.
 1840, WILLMSER Charles, of Tillingham, near Maldon, Essex, draper; div.

Gazette, Tuesday, January 23.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

FRANCE James, now or late of Manchester, cotton-manufacturer.

TOWN AND COUNTRY FIATS.

- CLEEVE Henry, of Rettendon, in the parish of Rettendon, in the county of Essex, and late of No. 31, Edgware-road, in the parish of Marylebone, in the county of Middlesex, cowkeeper, cattle and sheep salesman, *d. c.*—Official assignee, Lackington.—Sols. Messrs. Rickards & Co., Lincoln's-inn-fields, and Clifton, Romford. Fiat, Jan. 19. Pet. Crs. Richard James Meeson and John Meeson, of Rettendon, Essex, coal-merchants.
 COURTNEY Francis Burdett, of No. 42, Great Marlborough-street, in the county of Middlesex, bookseller, surgeon, and apothecary.—Official assignee, Graham.—Sols. Rutter and Trotter, Ely-place. Fiat, Jan. 18. Pet. Cr. Henry Cox, of Arthur-street, West, druggist.
 EMMINS William, of No. 23, Montpellier-row, Brompton, in the county of Middlesex, builder, *d. c.*—Official assignee, Edwards.—Sol. Ward, Essex-street. Fiat, Jan. 20. Pet. Cr. James Emmins, 17, Moscow-road, Baywater, builder.
 JACKSON Charles Smith, of Leeds, in the county of York, cloth merchant, *d. c.*—Official assignee, Fearn.—Sols. Sudlow & Co., Chancery-lane, and Messrs. Lee, Leeds. Fiat, Jan. 15. Pet. Cr. James Stansfield and Joseph Watmough, of Calverley, cloth-manufacturers.
 MARYON Richard, of Chigwell-row, in the parish of Chigwell, in the county of Essex, blacksmith and farrier, *d. c.*—Official assignee, Edwards.—Sol. Buchanan, Basinghall-street. Fiat, Jan. 18. Pet. Cr. William Meredith, 21, King-street, Commercial-road, biscuit baker.
 PARR Thomas, of Liverpool, in the county of Lancaster, plumber, painter, glazier, hosier and draper, *d. c.*—Official assignee, Casenove.—Sols. Reed and Shaw, Friday-street, and Robinson, Liverpool. Fiat, Jan. 15. Pet. Crs. Richard Groucock, Sampson Copeland, and George Moore, of Bow-churchyard, lace-manufacturers.
 ROBINSON James, late of the town and county of the town of Nottingham, wharfinger and brick maker, but now of Arnold, in the said county of Nottingham.—Official assignee, Bittleson.—Sols. Cann, Nottingham, and Smith, Birmingham. Fiat, Jan. 16. Pet. Cr. William Swanwick, of Sneinton, Notts, porter-merchant.
 SHAW Frederick, of No. 60, London-wall, in the city of London, builder, carpenter, *d. c.*—Official assignee, Turquand.—Sols. Watson & Co. Austin-frars. Fiat, Jan. 17. Pet. Cr. Edward Shaw, 10, London-wall, gent.
 WILLIAMSON Caleb, of No. 17, Regent-street, in the parish of Saint James, in the county of Middlesex, hosier, Glover, *d. c.*—Official assignee, Follett.—Sol. Goddard, Wood-street. Fiat, Jan. 20. Pet. Cr. William Yeathead Ball, of Wood-street, Cheap-side, Glover.
 Cowherd John, of Kendal, miller.
 Kennedy Francis, of New Bond-street, and York-place, Vauxhall-road, stationer.
 Sutton Theophilus Jonas, of Scarborough, master-mariner.
 Whittington George Thomas, of Great St. Helen's, merchant.

DIVIDENDS.

Date of Fiat.

- 1843, ALFORD Thomas, of No. 26, Harrow-road, in Paddington, Middlesex, licensed victualler; div.
 1842, ALLEN John, of Penzance, Cornwall, baker and confectioner; div.
 1843, BALL John, of No. 20, St. George's-place, Hyde-park-corner, Middlesex, tailor; div.

Date of Fiat.

- 1841, BISHOP George Blight, and Frances Hildyard, of Southampton, drapers, trading under the name, style, or firm of G. B. Bishop & Co.; final div.
- 1843, BLAKE Dodson, of Norwich, mohair manufacturer and merchant; div.
- 1842, CORAH Edward, of Union-street, Bristol, hosier; div.
- 1841, CRANE Rebecca, of Harrow on the Hill, Middlesex, draper; div.
- 1843, HAYES James, of Taunton, Somersetshire, innkeeper; div.
- 1841, HAYWARD James, and Richard Hanks Moore, of No. 53, Paternoster-row, London, booksellers and publishers; div.
- 1833, HOLT Thomas Lyttleton, the younger, of No. 4, Crane-court, Fleet-street, and of No. 6, Bell's-buildings, Salisbury-square, both in London, printer and publisher; div.
- 1843, HOWARD John Press, of Attlebridge, Norfolk, maltster and merchant; div.
- 1842, LEWIN Richard, of Northampton, leather-seller; div.
- 1836, NETTLETON William, of George-street, Hanover-square, Middlesex, tailor, trading and a partner in the firm of Nettleton & Le Gassick, of George-street, tailors; div.
- 1843, RATCLIFFE George, of Sheffield, Yorkshire, fender-manufacturer; div.
- 1842, RICHMOND John, of No. 46, Lime-street, London, merchant; final div.
- 1843, SLATTER James William, of Turl-street, Oxford-street, Middlesex, boot and shoe maker; div.
- 1840, SMITH Thomas, of Gloucester, money-scrivener, and James Henry Dowling, same city, money-scrivener; final joint div.
- 1842, SMITH William, of St. Alban's, and of Watford, Herts, and also of Rotherhithe, Surrey, miller and seed-crusher; fin. div.
- 1843, WRIGHT Thomas, of Blackmore-street, Clare-market, Middlesex, cheesemonger; div.

Gazette, Friday, January 26.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BESWICK Marshall, of the city of Norwich, wine and porter merchant.—Official assignee, Pennell.—Sol. Shearman, Trinity-place, Charing-cross. Fiat, Jan. 24. Pet. Cr. John Beswick, of Turner-street, Commercial-road, victualler.
- EVANS William, of Borthwen, in the parish of Llangelynin, in the county of Merioneth, miller, *d. c.*—Official assignee, Bird.—Sols. Lowe & Co. Southampton-buildings, Jones, Dolgelly, and Curry & Co. Liverpool. Fiat, Jan. 20. Pet. Cr. Ellis Evans, of Llanbedr, Merionethshire, farmer.
- FOTHERGILL John, the elder, of Selby, in the county of York, apothecary, *d. c.*—Official assignee, Hope.—Sols. Jaques & Co. Ely-place, Haigh, Selby, and Ward & Son, Leeds. Fiat, Jan. 20. Pet. Cr. John Hood, of Nettleham, Lincolnshire, gent.
- HITCHIN Henry, of Halifax, in the county of York, ironmonger, *d. c.*—Official assignee, Young.—Sols. Slaney, Birmingham, and Bloomer & Gatliff, Leeds. Fiat, Jan. 17. Pet. Cr. John Cartland, of Birmingham, brass-founder.
- MORGAN George, of the city of Gloucester, currier.—Official assignee, Miller.—Sol. Lovegrove, Gloucester. Fiat, Jan. 8. Pet. Cr. John Frederick Coules, of Kingsholm, Gloucestershire, tanner.
- ROLFE John, late of Uxbridge, in the county of Middlesex, coal and timber merchant, *d. c.*—Official assignee, Groom.—Sol. Sleep, Middle Temple-lane. Fiat, Jan. 16. Pet. Crs. Thomas and John Charrington, of Lower Shadwell, coal-merchants.
- TUSHTON John, the younger, of the town and county of the town of Nottingham, livery-stable keeper, smith, veterinary surgeon, *d. c.*—Official assignee, Christie.—Sols. Brewster, Nottingham, and Smith, Birmingham. Fiat, Jan. 19. Pet. Cr. John Rushton, sen., of Nottingham, gent.
- TEBAY Richard, of Cheesehill-street, Winchester, in the county of Southampton, plumber and glazier.—Official assignee, Whitmore.—Sols. Finch & Neale, Lincoln's Inn-fields. Fiat, Jan. 24. Pet. Cr. Rebecca Tebay, of Cheesehill-street, Winchester, spinster.

2. BANKR. 1844.

WILSON Joseph, of the borough and county of Newcastle-upon-Tyne, linen-manufacturer, draper, hosier, *d. c.*—Official assignee, Baker.—Sols. Plumpton, Temple, and Cram, Newcastle. Fiat, Jan. 18. Pet. Cr. Allan Robinson Bowes, of Gateshead, gent.

CERTIFICATES to be allowed February 16.

- Bate Joseph, of Dudley, iron-merchant.
- Bussey Edward, of Sheffield, broker.
- Cartwright Thomas, of Heaton Norris, banker.
- Coleman Thomas, of St. Alban's, victualler.
- Drury Benjamin George, of Dudley, victualler.
- Hilton Edward, of Over Darwen, paper-maker, (partner with Nathaniel Walsh).
- Morley Charles James, of Liverpool, flour-dealer and baker.
- Nutter James, of Cambridge, brewer, (partner with William Elliston).
- Pow James Brough, of Newcastle, ship-broker.
- Ross Sarah, of Leicester, hosier, (partner with Timothy Ross).
- Thurston Samuel, of Grosvenor-row, Pimlico, corn and coal merchant.
- Wheldon George, of Dudley, clothier.
- Widnall George Frederick, of Edgware-road, stationer.

DIVIDENDS.

Date of Fiat.

- 1843, DORRAL Benjamin, of Iron-bridge, in Madeley, Salop, mercer, draper, and tailor; div.
- 1843, HALE Robert, of Hawley-square, Margate, Kent, bookseller and stationer; div.
- 1843, KIPLING Robert, and William Atkinson, of Wood-street, Cheapside, London, warehouseman; joint div., and sep. div. of Kipling.
- 1843, OLIVER John, and John York, of Stoney Stratford, Buckinghamshire, bankers, and which said John York is now residing at Brighton, Sussex; fur. div.
- 1843, SHAW William, of Stafford, saddler; div.
- 1843, SPORER Joseph Francis, of St. James's-street, Piccadilly, Middlesex, tailor, formerly partner with John Miley, since deceased; joint div.

Gazette, Tuesday, January 30.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BALLS Thomas, of Thames-street, in the city of London, iron-merchant.—Official assignee, Green.—Sols. Tucker & Stevenson, Sun Chambers, Threadneedle-street. Fiat, Jan. 27. Pet. Crs. James Coombs and William Henry Coombs, of Benet's-hill, Doctors'-commons, carpenters.
- BERRIDGE Thomas, of Manchester, in the county of Lancaster, tobacconist, *d. c.*—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Kershaw, Manchester. Fiat, Jan. 25. Pet. Cr. William George Harrison, of the city of London, merchant.
- BUTCHER William, of Great Marlborough-street, in the parish of St. James, Westminster, in the county of Middlesex, commission-agent, dealer in carpets, *d. c.*—Official assignee, Groom.—Sols. Messrs. Mayhew, Carey-street. Fiat, Jan. 25. Pet. Cr. William Goodchap, of Hatton-garden, accountant.
- HILLER George, of Sun-street, Bishopsgate-street, London, varnish-manufacturer, *d. c.*—Official assignee, Graham.—Sol. Rutherford, Lombard-street. Fiat, Jan. 26. Pet. Cr. Samuel Matthews, of Charing-cross, India-rubber cloth manufacturer.
- LEECH John, of the borough and county of Newcastle-upon-Tyne, ironmonger.—Official assignee, Baker.—Sols. Harle, Newcastle, and Chisholm & Co. Lincoln's Inn-fields. Fiat, Jan. 23. Pet. Cr. Mary Hogg, of Newcastle-upon-Tyne, spinster.
- LEQUEUTRE Alphonso, of Chingford Mills, in the county of Essex, miller and mealman, *d. c.*—Official assignee, Johnson.—Sols. Adamson & Cooper, Ely-place. Fiat, Jan. 24. Pet. Cr. Mary Warner, of Manor Cottage, Chingford, spinster.
- MURCH Henry, of the parish of Norton-under-Hamdon, in the county of Somerset, sail-cloth manufacturer.—Official assignee, Hertsel.—Sols. Nicoletta, Bridport, Stogdon, Exeter, and Brace, Essex-street. Fiat, Jan. 20. Pet. Crs. James Haydon and Robert Turner, of Broadwindsor, Dorsetshire, yarn-manufacturers.

RODHAM Thomas, of Newcastle-upon-Tyne, grocer, ale and porter merchant, *d. c.*—Official assignee, Baker.—Sols. Ingledew, Newcastle, and Williamson & Hill, Gray's Inn. Fiat, Jan. 19. Pet. Cr. Allan Robinson Bowes, of Gateshead, gent.

TUBB John, of Basingstoke, in the county of Hants, draper, *d. c.*—Official assignee, Green.—Sol. Ashurst, Cheapside. Fiat, Jan. 25. Pet. Cr. William White and Smith Greenwell, of Cheapside, warehousemen.

CERTIFICATES to be allowed February 20.

Baker Thomas, of High-street, Camberwell, carpenter.
Exley William, of Manchester, boot-maker.
Ward John, of Nottingham, tailor.

DIVIDENDS.

Date of Fiat.

1842, **BOTTOMLEY** James, of Delph, within Saddleworth, Yorkshire, woollen-manufacturer and merchant, trading under the style or firm of William Bottomley & Co.; fur. div.

1841, **BROWN** Robert, of Kingston-upon-Hull, bookseller, printer, and stationer; div.

1843, **CUMMING** John, of No. 206, Tottenham-court-road, Middlesex, furrier and draper; div.

1808, **DANSON** George, and John Walsley, of Liverpool, Lancashire, merchants; div.

1831, **DIXON** Matthew, of Hesse, in Kingston-upon-Hull, corn-dealer; final div.

1843, **FORD** Frederick, of Aldgate, London, draper; div.

1842, **GAUTIER** François, now or late of Gould-square, Crutched-friars, London, trading under the firm of Wood, Gautier & Co.; div.

1843, **HAVELOCK** William, of South Shields, Durham, carver; first and final div.

1842, **HILL** William, and William Kemble Wackerbarth, of Leadenhall-street, London, ship and insurance agents and merchants; div.

1842, **LOCKWOOD** James, and George Lockwood, trading together at Wakefield, Yorkshire, and at Saint John's, in New Brunswick, North America, as linen and woollen drapers and merchants, under the style or firm of J. and G. Lockwood; div.

1843, **LUCY** John, the younger, of Liverpool, Lancashire, tailor and draper; div.

1843, **MARKBY** Frederick, of Peterborough, Northamptonshire, common brewer; div.

1839, **MARSH** Robert, the younger, of St. Helens, Lancashire, chemist and druggist, grocer and tea-dealer; div.

1842, **NICHOLSON** Charles Mills, of the New Corn Exchange, Mark-lane, London, and of Dockhead, Surrey, corn-merchant; div.

1842, **PEPPER** John, of Wootton-under-Edge, Gloucestershire, tailor and draper; div.

1831, **RICKETTS** John Bourke, of No. 147, Leadenhall-street, London, merchant; div.

—, **SUFFIELD** Samuel Wilson, of Birmingham, Warwickshire, druggist; div.

1833, **TEMPLE** Joseph, of Myton, in Kingston-upon-Hull, common brewer; final div.

1843, **WEGG** Nathaniel, of East-street, East Greenwich, Kent, victualler; div.

1843, **WOOD** John, of Beauvale, in Greasley, Nottinghamshire, miller and corn-factor; div.

1843, **WOODRUFF** James Leonard, of Great Missenden, Bucks, innkeeper and coach-proprietor; div.

Gazette, Friday, February 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

COOPER George, of Leeds, in the county of York, butcher, *d. c.*—Official assignee, Young.—Sols. Rayner & Son, Leeds, and Sudlow & Co. Chancery-lane. Fiat, Jan. 27. Pet. Cr. Dorothy Hollins, of Leeds, widow.

DRAGE James Robert, of Leeds, in the county of York, tallow-merchant, *d. c.*—Official assignee, Fearn.—Sols. Williamson &

Hill, London, and Cariss, Leeds. Fiat, Jan. 24. Pet. Cr. Thompson Clarkson and Sarah Clarkson, of Leeds, tallow-chandlers.

LAMONT Duncan, of the Grapes public-house, West Smithfield, in the city of London, dealer in foreign wines and spirits, porter and ale, and British compounds and tobacco, *d. c.*—Official assignee, Whitmore.—Sol. Buchanan, Basinghall-street. Fiat, Jan. 26. Pet. Cr. John William Dexter, of No. 18, Duke-street, Smithfield, glover.

PERRYMAN Joseph Henry, of Birmingham, in the county of Warwick, bookseller and publisher, *d. c.*—Official assignee, Valpy.—Sols. Holroyde, Halifax, and Wright, Birmingham. Fiat, Jan. 25. Pet. Cr. William Milner, of Halifax, bookseller.

PETIT Robert, of Exning, in the county of Suffolk, livery-stable keeper, *d. c.*—Official assignee, Turquand.—Sol. Gill, Harrington-street, Hampstead-road. Fiat, Jan. 25. Pet. Cr. Andrew Glen, of Regent-street, baker.

PHILLOTT Robert, late of Clement's-lane, in the city of London, but now of the parish of Bladon, in the county of Somerset, scrivener, *d. c.*—Official assignee, Acraman.—Sol. Heaven, Bristol. Fiat, Jan. 30. Pet. Cr. Charles Ranken Hall, of Grove House, Staplegrave, Somersetshire, clerk.

THOMPSON William, and James Mellis, of the borough and county of Newcastle-upon-Tyne, in England, and of Buenos Ayres and Monte Video, in South America, merchants, commission-agents and copartners, *d. c.*—Official assignee, Baker.—Sols. Watson, Newcastle, and Shield & Harwood, Queen-street, Cheapside. Fiat, Jan. 22. Pet. Crs. Robert Vernon and John Sowerby, of Newcastle-upon-Tyne, glass-manufacturers.

WEBB William, of Leamington, in the county of Warwick, hotel-keeper, *d. c.*—Official assignee, Bittleston.—Sol. Greatwood, Birmingham. Fiat, Jan. 26. Pet. Crs. Henry Middleton and Joseph Harris, of Birmingham, drapers.

WOOD William Law, now or late of No. 117, Bishopsgate-street Within, in the city of London, export ironmonger.—Official assignee, Belcher.—Sol. Henderson, Mansell-street. Fiat, Jan. 30. Pet. Cr. Thomas Yates, of Devonshire-place, Old Kent-road, gent.

CERTIFICATES to be allowed February 22.

Clapton Henry Game, of Bristol, warehouseman, (partner with William Pickford).

Diamond Hugh Welch, of Frith-street, surgeon.

Locke Edward, and Alexander Dixon Mills, of Lawrence Pountney-hill, and Redditch, needle-manufacturers.

Messenger Frederick, of Liverpool, corn-merchant.

Moseley Lewin, of High-street, Shadwell, Staffordshire, warehouseman.

Nuttall Peter Austin, of Edward-terrace, Chalk-road, newspaper vender.

Wintle John Marriott, of Drury-lane, silversmith.

Zuliani James, of Commercial Sale Rooms, Mincing-lane, merchant.

DIVIDENDS.

Date of Fiat.

1843, **ALLISON** George, of Darlington, Durham, scrivener and ship-owner; final div.

1843, **BEDFORD** James, of Melina-place, Westminster-road, Lambeth, Surrey, carrying on business as an iron-merchant; div.

1842, **BIDMEAD** David, of No. 62, Bread-street, Cheapside, London, warehouseman and shipping agent; fur. div.

1842, **BUCKLEY** John, of Higher Crompton, near Oldham, Lancashire, coal-master, timber-merchant, and shopkeeper; div.

1842, **COLLINGS** William, of Devonport, Devonshire, baker; div.

1840, **COLLINS** John, of Staines, Middlesex, hotel-keeper; div.

1833, **CULLEN** Michael, of Liverpool, Lancashire, merchant; fur. div.

1828, **FRY** William, Joseph Fry, and Jonathan Chapman, of Saint Mildred's-court, Poultry, London, bankers; fur. joint div.

1842, **HODGSON** Daniel, of Sandwich, Kent, banker; div.

1843, **JONES** Samuel, of No. 78, Cheapside, London, jeweller; div.

1843, **LAING** Alexander, of Halifax, Yorkshire, draper; div.

1842, **LYON** Robert, of High Holborn, Middlesex, cabinet-maker and carpet-dealer; div.

1839, **YALLOP** Rowland, of No. 77, Basinghall-street, London, scrivener; div.

Gazette, Tuesday, February 6.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BILLINGTON Samuel, of Birkenhead, in the county of Chester, woollen-draper and tailor.—Official assignee, Morgan.—Sols. Minshall, Liverpool, and Vincent & Sherwood, Temple. Fiat, Jan. 27. Pet. Cr. John Royle, of Chester, joiner.

CHAPMAN Richard, of Scorton, in the county of York, innkeeper, &c.—Official assignee, Hope.—Sols. Close. Furnival's Inn, Hutton, Richmond, and Teale, Leeds. Fiat, Jan. 31. Pet. Cr. John Young, of Richmond, Yorkshire, brewer.

EWART John, and George Ewart, of the town and county of Newcastle-upon-Tyne, auctioneers and partners, &c.—Official assignee, Baker.—Sols. Brooksbank & Farn, Gray's Inn-square, and Brown, Newcastle. Fiat, Jan. 29. Pet. Crs. Joseph Armstrong, John Blackwell, and John Brunton Falconer, of Newcastle-upon-Tyne, printers.

GREGORY Thomas, of Poulshot Mill, in the parish of Poulshot, in the county of Wilts, miller.—Official assignee, Kynaston.—Sol. Austie, Devizes. Fiat, Jan. 29. Pet. Cr. William Gillett, of Melkham, Wilts, accountant, on behalf of the North Wilts Banking Company.

HARDLEY John, of West Mills, Newport, in the Isle of Wight, in the county of Hants, miller, &c.—Official assignee, Alsager.—Sols. McLeod & Stenning, London-street. Fiat, Jan. 29. Pet. Crs. Edward Hales, John Laforey Butler, Felix Prior, and Charles Butler, of No. 15, Bush-lane, corn-factors.

HILLAM Francis, of Cambridge-terrace, Edgware-road, in the county of Middlesex, ale and porter merchant.—Official assignee, Green.—Sol. Appleton, Fenchurch-buildings. Fiat, Feb. 5. Pet. Crs. William Clark & Joseph Coulthard, of No. 34, Great Tower-street, bottle-merchants.

HONE Robert, late of No. 27, Garnault-place, Spa-fields, but now of No. 54, Hatton-garden, both places in the county of Middlesex, stationer, &c.—Official assignee, Edwards.—Sol. Cattlin, Ely-place. Fiat, Jan. 30. Pet. Cr. Henry Rains, senior, Henry Rains, junior, and William Rains, of Crescent-place, Blackfriars, paper-manufacturers.

LANGRIDGE Thomas, of Tonbridge Wells, in the county of Kent, auctioneer and dealer in furniture.—Official assignee, Johnson.—Sols. Manning, Craven-street, Strand. Fiat, Feb. 3. Pet. Cr. Thomas Halgood Buxton, of No. 57, Wood-street, warehouseman.

MOORE Joseph, of Tamworth, in the county of Warwick, draper, &c.—Official assignee, Follett.—Sol. Ashurst, Cheapside. Fiat, Jan. 24. Pet. Crs. William White, and Smith Greenwell, of Cheapside, warehousemen.

OOSTON Mary, of Davies-street, Berkeley-square, in the county of Middlesex, watch-maker, &c.—Official assignee, Graham.—Sol. Ashurst, Cheapside. Fiat, Feb. 2. Pet. Cr. Helen Johnson, of Putney-heath, spinster.

REESBY Charles, of Stamford, in the county of Lincoln, miller, &c.—Official assignee, Valpy.—Sol. Jackson, Stamford, and Smith, Birmingham. Fiat, Jan. 15. Pet. Cr. Edward Johnson, of Whittinger, Northamptonshire, farmer.

SMITH Noel Thomas, the younger, of Lime-street, in the city of London, ship-owner, carrying on business under the firm of Noel Thomas Smith & Company.—Official assignee, Follett.—Sols. Clayton & Cookson, No. 6, New-square, Lincoln's Inn. Fiat, Feb. 2. Pet. Cr. Noel Thomas Smith, of Newcastle-upon-Tyne, doctor of medicine.

TUTTON Charles, of Southampton, in the county of Hants, grocer and cheesemonger.—Official assignee, Pennell.—Sol. Oldershaw, King's Arms-yard. Fiat, Jan. 31. Pet. Cr. Joseph Anderson, of College-street, merchant.

WILDESLEY Matthew, of Porto Bello, in the parish of Wolverhampton, in the county of Stafford, timber-dealer and brick-maker.—Official assignee, Christie.—Sols. Phillips & Bolton, Wolverhampton. Fiat, Jan. 27. Pet. Cr. Henry Chellingworth, of Fulford-heath, near Solihull, Warwickshire, timber-merchant.

WISOE Henry, of the town of Hertford, in the county of Hertford, carpenter and builder.—Official assignee, Pennell.—Sols. Thompson & Co. Salters' Hall, and Nicholson & Longmore, Hertford. Fiat, Jan. 30. Pet. Cr. ——— Tisoe, of Hertford, plumber.

WALTON George, of Stockton-upon-Tees, in the county of Durham, wine and spirit merchant, &c.—Official assignee, Baker.—Sols. Dimmock & Burbey, Sise-lane, and Steavenson, Darlington. Fiat, Jan. 22. Pet. Crs. John, William, and Richard Payne, and Richard Nicholson, of St. John-street, Clerkenwell, distillers.

WHITE Thomas, of No. 284, Regent-street, in the parish of Saint Marylebone, in the county of Middlesex, lace-dealer, &c.—Official assignee, Lackington.—Sol. Ashurst, Cheapside. Fiat, Jan. 27. Pet. Cr. John Dillon, James Morrison, John Kersop, and George Brown, of Fore-street, warehousemen.

CERTIFICATES to be allowed February 27.

Dawson Charles, of North-row, Covent garden, fruiterer.

Dewson Charles Frederick, of Birmingham, victualler.

Hale Robert, of Margate, bookseller.

Jenkyns Francis, and John Hay Hardyman, of Love-lane, Eastcheap, merchants.

Pouchee George John, of Oxford-street, stationer.

Tregaskes James, of Bristol, victualler.

Withell Thomas, and William Withell, of Padstow, ship-builders.

DIVIDENDS.

Date of Fiat.

1842, **ATHERTON** William, of Manchester, Lancashire, flint-glass manufacturer; first div.

1835, **GAGE** John, of Delverton, Somersetshire, carpenter; div.

1843, **KNIGHT** John Mason, of Rugby, Warwickshire, ironmonger, grocer, and seedsman; div.

—, **LANE** Hervey, of Derby, innkeeper and licensed victualler; div.

1841, **MOLYNEUX** Henry, of No. 42, Lombard-street, London, and of Ealing-green, Middlesex, watch and chronometer maker; div.

1839, **RABEY** William, of Redruth, Cornwall, leather-seller and ironmonger; div.

1842, **RALEIGH** Joseph, Thomas Smith Goode, and William Holland, of Manchester, Lancashire, merchants; joint div., and sep. div. of Raleigh.

1843, **THORNTON** William Carr, of Cleckheaton, in Birstall, Yorkshire, machine-maker; div.

Gazette, Friday, February 9.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

THOMAS Owen Wynne, of Milk-street, Cheapside, silk-warehouseman.

COULSON Jukes, and Harry Phipps, of Clement's-lane, shipping ironmongers.

TOWN AND COUNTRY FIATS.

ALDRED John, of the town of Nottingham, wholesale stationer and pasteboard manufacturer.—Official assignee, Whitmore.—Sols. Bradshaw, Nottingham, and Motteram & Giddy, Birmingham. Fiat, Jan. 25. Pet. Cr. Joseph Aldred, of Nottingham, lace-manufacturer.

ETHERINGTON Joseph, Henry Docker, and Cuthbert Johnson, all of No. 89, Quadrant, Regent-street, in the county of Middlesex, lamp-dealers, &c.—Official assignee, Turquand.—Sols. Clark & Davidson, Essex-street. Fiat, Feb. 3. Pet. Crs. John and Charles Ratcliff, of Birmingham, lamp-manufacturers.

LEONARD Samuel Walker, of Frances-street, Golden-square, in the county of Middlesex, butcher, &c.—Official assignee, Groom.—Sols. Pain & Hatherley, Great Marlborough-street. Fiat, Feb. 5. Pet. Cr. James Leonard, of Mount-street, Hanover-square, butcher.

LEWIS William, of Twinnell-street, in the out-parish of St. Philip and Jacob, in the city and county of Bristol, carpenter and builder, &c.—Official assignee, Hutton.—Sols. Gregory & Son, Bristol. Fiat, Feb. 5. Pet. Cr. George Bragg, of Bristol, ironmonger.

MINISTER Edward, of No. 8, Argyll-place, Regent-street, in the county of Middlesex, tailor, &c.—Official assignee, Alsager.—Sols. Hodgson & Burton, Salisbury-street. Fiat, Feb. 6. Pet. Cr. Thomas Scott, of Howland-street, Finsbury-square, tailor.

SCOTT Frederick James, of St. Alban's, in the county of Hertford, apothecary, &c.—Official assignee, Belcher.—Sols. Clark & Davidson, Essex-street. Fiat, ——— Pet. Cr. Charles Glendenwyer Scott, of Broughton-street, Edinburgh, esq.

TEESDALE Christopher, and Richard Toulson, lately carrying on business in partnership as furnishing warehousemen, in the Westminster-bridge-road, in the county of Surrey.—Official assignee, Green.—Sols. Messrs. Sole, Aldermanbury. Fiat, Jan. 25. Pet. Crs. William Hitchcock, Richard Lewellin, and Christopher Truman, of Wood-street, warehousemen.

CERTIFICATES to be allowed March 1.

Armstrong John Flemell, of Blackheath, and Greenwich-road, china-dealer.
Lumley John, of Kirkby Fleetham, with Fencoat, brewer.
Martin Thomas, of the Pavement, victualler.
M'Pherson William Boshier, of Hoxton, victualler.
Rolfe William, of Therfield, farmer and corn-merchant.
Swallow John, sen., of Halifax, corn-miller.
White George Zachariah, of Southampton, stone-mason.
Wright Thomas, of Blackmoor-street, cheesemonger.

DIVIDENDS.

Date of Fiat.

- 1843, BELL John, of Basford, Nottinghamshire, hosier; div.
- 1843, CARPENTER William, of Southampton, stationer; div.
- 1842, FEHR Thomas James, of High-street, Birmingham, Warwickshire, draper, and dealer in straw bonnets; final div.
- 1843, HARRIS Mordecai, of Swansea, Glamorganshire, draper; div.
- 1800, MOON Robert, the elder, and Robert Moon, the younger, of Greenfield, near Coln, Lancashire, manufacturers and merchants; final joint div.
- 1842, PORTER John, of Nantwich, Cheshire, tailor and draper; div.
- 1841, POTTER Richard, late of Giaborne Park, Yorkshire, but now of Birkacre, near Chorley, and of Manchester, both in Lancashire, John Potter, of Manchester, and James Potter, of Manchester, cotton-spinners and manufacturers, trading at Manchester, under the firm of J. & J. Potter; first and final joint div.
- 1843, SEWELL John, of Charles-street, Paddington, Middlesex, victualler and builder; div.
- 1843, WHIDBORNE Thomas James, of Liverpool, Lancashire, chemist and druggist; div.

Gazette, Tuesday, February 13.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

RHODES Joseph, of Leeds, woolstapler.

TOWN AND COUNTRY FIATS.

AMOS Thomas, of No. 114, Kingsland-road, in the county of Middlesex, builder, *d. c.*—Official assignee, Groom.—Sols. Messrs. Sheffield, Leadenhall-street. Fiat, Feb. 12. Pet. Crs. Henry Chesswright, Thomas Sheffield, and Reuben Henry Williamson, of Bunhill-row, timber-merchants.
BARRY John Housse, late of St. John, New Brunswick, but now of Liverpool, in the county of Lancaster, merchant and ship-owner, as a trader indebted together with John Alexander and James Alexander, his late partners in trade.—Official assignee, Turner.—Sols. Sharp & Jackson, Bedford-row, and Miller & Peel, Liverpool. Fiat, Feb. 9. Pet. Cr. George Frederick Thompson, late of St. John, but now of Liverpool, painter.
FAULKNER John, of Danvers-street, Chelsea, in the county of Middlesex, builder.—Official assignee, Whitmore.—Sol. Ward, Lincoln's Inn-fields. Fiat, Feb. 2. Pet. Crs. Joseph Drake and James Burnley, of No. 315, Oxford-street, window-glass dealers.
FIELD George, of No. 2, Bond-court, Walbrook, in the city of London, packer and merchant.—Official assignee, Lackington.—Sol. Cottrill, Throgmorton-street. Fiat, Feb. 9. Pet. Crs. James Barber and George Watson Field, of St. Mary-axe, agents.
HIGGINSON Thomas, of Liverpool, in the county of Lancaster, pawnbroker, auctioneer, general outfitter, and dealer in ready-made clothes and wearing apparel, *d. c.*—Official assignee, Cazenove.—Sols. Thompson, Liverpool, and Norris & Co. Bartlett's-buildings. Fiat, Feb. 8. Pet. Crs. John Woodcock, of Liverpool, wine-merchant, and Charles M'Kee, of the same place, victualler.

LANG Richard, of Mill Bridge, in the parish of Birstall, in the county of York, tallow-chandler.—Official assignee, Hope.—Sols. Jacques & Edwards, Ely-place, and Watts, Dewsbury. Fiat, Feb. 8. Pet. Cr. Joseph Ward, of Dewsbury, parish clerk.

LAY Thomas, of Dudley, in the county of Worcester, grocer, *d. c.*—Official assignee, Bittleston.—Sols. Collis, Stourbridge, and Smith, Birmingham. Fiat, Feb. 6. Pet. Crs. Thomas Baylie, of Stourbridge, and Edward Biven Baylie, iron-merchants.

MARKS Edward Mansfield, of No. 21, Mortimer-street, Cavendish-square, and of No. 10, Stanhope-street, Regent's-park, both in the county of Middlesex, upholsterer, *d. c.*—Official assignee, Edwards.—Sol. Ivimey, Chancery-lane. Fiat, Feb. 6. Pet. Cr. Joseph Ivimey, of Chancery-lane, gent.

MILNER John, of Brook-street, New-road, in the county of Middlesex, engine-manufacturer, lately carrying on business, in partnership together, with Frederick Braithwaite, late of the same place, engine-manufacturer, under the firm of Braithwaite, Milner, & Co.—Official assignee, Follett.—Sol. Rivington, Fenchurch-buildings. Fiat, Feb. 10. Pet. Crs. James Patishall Jones and George Augustus Brown, of Fenchurch-street, soap and candle manufacturers.

TURNER Robert, of Woodsome Lees, in the parish of Almondbury, and of Highburton, in the parish of Kirkburton, both near Huddersfield, in the county of York, trading under the firm of Robert Turner & Co., as a fancy cloth manufacturer, *d. c.*—Official assignee, Young.—Sols. Clark & Co. Lincoln's Inn-fields, Robinson, Huddersfield, and Bond, Leeds. Fiat, Feb. 6. Pet. Cr. Richard Dewhurst, of Huddersfield, woollen-printer.

CERTIFICATES to be allowed March 5.

Dickinson William, of Bexley and Poplar, merchant.
Smalley John, of Sneinton, iron-founder.
Webster John, of Sheffield, newspaper-proprietor.

DIVIDENDS.

Date of Fiat.

- 1843, BARANDON Frederick William Eugene, of No. 15, Philpot-lane, London, merchant (as surviving partner of Charles Louis Theodore Bergeman, since deceased); div.
- 1842, BATE Joseph, of Hall-street, in Dudley, Worcestershire, iron-founder; div.
- 1842, BISHOP George, of St. Mary Axe, London, merchant, ship and insurance broker; div.
- 1842, BOYD George, and William Boyd, of Kington-upon-Hull, millwrights and engineers; final div.
- 1841, BROWN John, of Sheffield, Yorkshire, merchant and factor; div.
- 1843, CARTWRIGHT Saint John, of Worksop, Nottinghamshire, grocer; first div.
- 1841, DUNCAN Angus, and Charles Duncan, both of Tokenbosseyard, London, merchants, (trading under the firm of Duncan, Brothers); div.
- 1840, FERRIS Richard, James Henry Butler, and John Butler, of Liverpool, Lancashire, merchants, carrying on business under the firm of Ferris, Butler & Co.; div.
- 1837, GEORGES William Payne, of Devonport, wine-merchant; div.
- 1827, HANSFORD Richard, of Weymouth, Dorsetshire, grocer; div.
- 1843, HARRISON Joseph, of Lower Rock-mews, and St. James's-street, in Brighton, Sussex, coach-builder; div.
- 1843, HOLDSWORTH George, of Salterly Mill, Northwram, in Halifax, Yorkshire, worsted-spinner and manufacturer; div.
- 1840, HOOD George, of Brownhills, in Burslem, Staffordshire, earthenware-manufacturer; div.
- 1802, JACKS Walter, of Bristol, merchant; div.
- 1843, JONES Thomas William, of Wellington, Salop, draper and mercer; div.
- 1842, MARSHALL Charles, of Old Castle-street, Whitechapel, Middlesex, brewer; div.
- 1843, MASON Ambrose, of Bury St. Edmunds, Suffolk, coach-proprietor; div.
- 1843, MUNDEN James Richardson, of Barwick, near Yeovil, Somersetshire, flax and tow spinner; div.
- 1843, NETTLETON George, of Brompton, Kent, tailor; div.
- 1842, WEBB Alfred, of Liverpool, Lancashire, carpet-seller; div.
- 1843, WHELDON George, of Dudley, Worcestershire, clothier; div.

Gazette, Friday, February 16.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

HANNEN James, of No. 20, Little Britain, in the city of London, tallow-melter, and wax and tallow candle merchant, *d. c.*—Official assignee, Belcher.—Sols. Lawrance & Plews, Bucklersbury. Fiat, Feb. 10. Pet. Cr. Thomas Henry Strangways, of King's-road, Bedford-row, solicitor.

HOLDEN Henry, of Dewsbury, in the county of York, dealer in fuller's earth, *d. c.*—Official assignee, Freeman.—Sols. Richards, Croydon, Scholes, Dewsbury, and Harle, Leeds. Fiat, Jan. 31. Pet. Cr. John Perkins, of Pendle Court, Bletchingley, Surrey, esq.

HOLDROYD John, of North Moor, near Seaton Delaval, in the county of Northumberland, farmer, brick and tile maker, *d. c.*—Official assignee, Baker.—Sols. Holme & Co. New Inn, and Messrs. Tinley, Tynemouth. Fiat, Feb. 2. Pet. Cr. James Lamb Barker, of Tynemouth, gentleman.

JONES Esther, of West Bromwich, in the county of Stafford, widow, dealer in iron, and trading under the style or firm of Charles Jones.—Official assignee, Whitmore.—Sols. Giles, Gray's Inn-square, and Giles, Birmingham. Fiat, Jan. 30. Pet. Crs. William Henry Dawes and John Samuel Dawes, of Bromford, Staffordshire, ironmasters.

MITCHELL Henry, of the town and county of the town of Nottingham, fellmonger, *d. c.*—Official assignee, Christie.—Sols. Bowley, Nottingham, and Smith, Birmingham. Fiat, Feb. 8. Pet. Cr. William Redgate, of Nottingham, maltster.

MURPHY Michael, of Liverpool, in the county of Lancaster, grocer and provision dealer, *d. c.*—Official assignee, Morgan.—Sols. Mason, Liverpool, and Willis & Co. Tokenhouse-yard. Fiat, Feb. 12. Pet. Crs. Francis Balkwill and Charles Baldwin, of Liverpool, wholesale tea-dealers.

NORMAN Thomas, of Penketh, near Warrington, in the county of Lancaster, sail-cloth manufacturer and farmer.—Official assignee, Bird.—Sols. Vincent & Co. Temple, and Brabner & Atkinson, Liverpool. Fiat, Feb. 12. Pet. Cr. William Woods, Liverpool, brewer.

NUTTALL Thomas, of Rochdale, in the county of Lancaster, pork-butcher, *d. c.*—Official assignee, Stanway.—Sols. Whitehead, Rochdale, and Clark & Co. Lincoln's Inn-fields. Fiat, Feb. 12. Pet. Cr. Robert Nuttall, of Rochdale, butcher.

OSBORNE Henry Roberts, of Truro, in the county of Cornwall, grocer, *d. c.*—Official assignee, Hernaman. Sols. Lockyer & Bulleel, Plymouth, Surr, Lombard-street, Stokes, Truro, and Moore, Exeter. Fiat, Jan. 29. Pet. Crs. William Burnell and John Burnell, of Plymouth, merchants.

SMITH Henry William, of Tothill-street, Westminster, in the county of Middlesex, woollen-drafter.—Official assignee, Johnson.—Sols. Lloyd, Milk-street. Fiat, Feb. 2. Pet. Crs. Francis Slater and Francis Watson Coates, of Wood-street, warehousemen.

WALKER Henry, of Luton, in the county of Bedford, cordwainer.—Official assignee, Whitmore.—Sols. Lambert, Gray's Inn, and Hunt, Luton. Fiat, Feb. 10. Pet. Cr. William Clark, of Luton, Bedfordshire, cordwainer.

CERTIFICATES to be allowed March 8.

Shorth Edmund, of Manchester, innkeeper.
 All John, of St. George's-place, Hyde-park-corner, tailor.
 Barker Henry Hugh, of Argyll-street, tailor, (partner with James Bean).
 London Richard, of Alton, plumber.
 Under Henry, of Upper York-place, Marylebone, builder.
 Halcumb Henry, of Swansea, sail-maker.
 Dinaghi Martin Henry Lewis Guetano, of Cockspur-street, print-seller.
 Eggs James Brooksbank, of Charlotte-row, Mansion-house, bill-broker, (partner with George Gandell).
 Allett John, of Hadley, miller.
 Ay John, of Corsham, victualler.
 Ellis William Frederick, of Hart street, and High Holborn, merchant and gun-maker.
 Field Samuel Wilson, of Birmingham, druggist.
 Harold Benjamin Hart, of Harmondston and Wellesden, *d. c.*
 Warren William, of Wilmslow, blacksmith.

3. BANKR. 1844.

DIVIDENDS.**Date of Fiat.**

1843, ALTAZIN Charles, of Conduit-street, St. George's, Hanover-square, Middlesex, upholsterer; div.

1842, BEERBOHM Julius Ewald, and William Edmund Slaughter, of Fenchurch-street, London, merchants, trading under the firm of Beerbohm, Slaughter & Co.; final joint div.

1843, BLUNDEN Richard, of Alton, Southampton, plumber, glazier, and ironmonger; div.

1841, DEMAISSE Emilie Moriniere, and Henry Thomas Wooler, of Bucklersbury, London, merchants; joint div.

1842, EVANS Rowland, John Foster, Skinner Zachary Langton, and Thomas Foster, of Barge-yard, Bucklersbury, London, East India merchants, trading under the firm of Evans, Foster, and Langton; fur. joint div.

1843, EVANS Mary, John Evans, and Thomas Howard Evans, of the Old-street-road, Middlesex, paper-stainers, carrying on business under the firm of Mary Evans & Sons; final div.

1803, JACKSON Henry, of Mincing-lane, London, merchant; div.

1842, JARRETT Arthur, of No. 52, Castle-street, Southwark, Surrey, hat-manufacturer, carrying on business under the style or firm of Bowler & Jarrett; div.

1843, JUDD James, and William Judd, of Romsey, Southampton, mealmen; joint div.

1841, NEWTON William, and John Newton, of Macclesfield, Cheshire, silk-throwsters; joint div.

1843, PICKFORD William, and Henry Game Clapton, of the Back Hall, Bristol, warehousemen and dealers in curriers' tools; div.

1843, POTTER Matthew, of No. 82, New Bond-street, Middlesex, haberdasher; div.

1831, WARD James, of Upper Ground-street, Christchurch, Surrey, iron-founder, trading with Major Ainger and William Handasyde, as iron-founders, in Upper Ground-street; div.

Gazette, Tuesday, February 20.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

BECKLEY Richard, late of No. 33, North Audley-street, in the parish of Saint George, Hanover-square, in the county of Middlesex, grocer, coal-merchant, *d. c.*, but now residing at No. 37, Green-street, in the said parish.—Official assignee, Belcher.—Sol. Jones, Gray's Inn-square. Fiat, Feb. 14. Pet. Cr. Thomas Wilkinson, of Wilton-road, Pimlico, coal-merchant.

BRYSON Thomas, of No. 26, Adde-street, in the city of London, commission-agent, *d. c.*—Official assignee, Groom.—Sols. Turner & Co. Basing-lane. Fiat, Feb. 17. Pet. Cr. John Stevens, of Ashley-terrace, City-road, gent.

DAVENPORT Richard, the younger, of Birmingham, in the county of Warwick, plumber, glazier, and painter, *d. c.*—Official assignee, Bittleston.—Sol. Reece, Birmingham. Fiat, Feb. 15. Pet. Cr. Richard Davenport, of Birmingham, earthenware-dealer.

GLAZEBROOK Joseph, of the Sand Pitts, in the borough of Birmingham, in the county of Warwick, carpenter and builder, *d. c.*—Official assignee, Valpy.—Sol. Hebbert, Birmingham. Fiat, Feb. 14. Pet. Cr. William Smith, of Birmingham, stone-mason.

LUMLEY Isaac, of the White Horse public-house, Cornwall-road, in the county of Surrey, victualler.—Official assignee, Turquand.—Sols. Parnell & Tanqueray, New Broad-street. Fiat, Feb. 16. Pet. Crs. Robert Hanbury, sen., John Favill Buxton, Henry Vellebois, and Edward North Buxton, of Brick-lane, brewers.

PETRIE John Carr, of Bedlington, in the county of Durham, miller, grocer, *d. c.*—Official assignee, Baker.—Sols. Leadbitter, Staple Inn, and Chalton, Morpeth. Fiat, Feb. 6. Pet. Cr. Isabella Forster, of Seghill, Northumberland, widow.

ROWLEY William George, late of the Dover-road, in the borough of Southwark, in the county of Surrey, and late of No. 6, Felix-terrace, Liverpool-road, in the said county of Middlesex, wine-merchant, and now of No. 6, High-street, Deptford, in the county of Kent, out of business, *d. c.*—Official assignee, Graham.—Sol. Buchanan, Basinghall-street. Fiat, Feb. 17. Pet. Cr. Thomas Slipper Barnes, of New Weston-street, Hermondsey, agent to an ale brewer.

STURTEVANT Richard Lawrence, of Church-street, Bethnal-green, in the county of Middlesex, soap-manufacturer. *d. c.*—Official assignee, Alsager.—Sols. Watson & Sons, Bouverie-street. Fiat, Feb. 16. Pet. Crs. John Hopkins and James Pegg, of Shore-ditch, linen-drappers.

WESTREN Thomas, of Brushford Mills, in the parish of Brushford, in the county of Devon, maltster, miller, and brewer.—Official assignee, Hertzell.—Stogdon, Exeter, and Messrs. Keddell & Co. Lime-street, Fiat, Feb. 15. Pet. Cr. Abraham Stogdon, of Exmouth, gent.

CERTIFICATES to be allowed March 12.

Atkinson William, of Wood-street, warehouseman, (partner with Robert Kipling).

Broadbent James, jun., of Gale and Manchester, calico-printers, (partner with James Hudson).

Gamauf Theophilus, of Fetter-lane, furrier.

Harman John, of Whitefriars, Edinburgh, and Chester-square, common brewer.

Ord John Charles, of Waterloo-place, Pall-mall, coal-factor.

Shaw William, of Stafford, saddler.

Stone William, of Birmingham, printer.

Sykes John, of Birstall, corn-miller.

DIVIDENDS.

Date of Fiat.

1843, **ABBOTT** Robert Tebbitt, and Alfred Thwaytes Tebbitt, of Birmingham, Warwickshire, wholesale tea-dealers and coffee-roasters, carrying on trade in Birmingham, under the style or firm of Abbott, Tebbitt & Co.; div.

1842, **BOWLBY** Russell, of Bishop Wearmouth, Durham, scrivener; final div.

1832, **BUTTERWORTH** John Hartley, of the Rose and Crown public-house, Leadenhall-market, London, victualler; div.

1843, **BUXTON** John, of Manchester, Lancashire, builder; final div.

1843, **CLARKE** John, Richard Mitchell, Joseph Philips, and Thomas Smith, all of Leicester, bankers, carrying on business at Leicester, Lutterworth, and Melton Mowbray, all in Leicestershire, and at Uppingham and Oakham, Rutlandshire, under the name or style of Clarke, Mitchell, Philips, and Smith, the said Richard Mitchell carrying on, in his individual capacity, the business of a hosiery at Leicester; sep. div. of Mitchell.

1843, **COLLIER** Richard, of Hythe and Folkestone, Kent, draper; div.

1844, **DUNNETT** William, of Manchester, Lancashire, commission-agent and auctioneer; div.

1836, **FORSTER** Joseph, John Forster, and William Forster, of Carlisle, Cumberland, bankers; final joint div.

1843, **GRAHAM** John, the younger, of Newcastle-upon-Tyne, spirit merchant; first and final div.

1842, **JOPP** Andrew, of Cornhill, London, ship and insurance broker; div.

1842, **MASON** Thomas, of Stowford Mills, in Harford, Devonshire, miller; div.

1843, **NOYES** Robert, of No. 1, New Church-street, Lisson-grove, Middlesex, plumber, painter, and glazier; div.

1839, **SINGLETON** Joseph, of Aston, near Birmingham, Warwickshire, wire-drawer; div.

1843, **WALES** Ann, of Spring-street, Shadwell, Middlesex, wood-splitter, and of No. 88, Old Gravel-lane, Wapping, Middlesex, plumber, painter, and glazier; div.

1840, **WHELDON** Thomas, of Holles-street, Cavendish-square, Middlesex, tailor; div.

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BANKRUPTS.

TOWN AND COUNTRY FIATS.

ARNATT Edward, of Market-street, in the city of Oxford, baker, *d. c.*—Official assignee, Green.—Sols. Spencer, Verulam-buildings, and Brunner, Oxford. Fiat, Feb. 10. Pet. Cr. Jonathan Arnatt, of Eveham, farmer.

CONAWAY John, of No. 3, Gray's Inn-lane, in the county of Middlesex, cheesemonger.—Official assignee, Graham.—Sols. Lawrance & Pews, Bucklersbury. Fiat, Feb. 22. Pet. Cr. Robert Wilkinson, of High-street, Bloomsbury, cheesemonger.

GOLDING William, of Glensford, in the county of Suffolk, inn-keeper.—Official assignee, Follett.—Sols. Chilton & Acland, Chancery-lane, and Gooday, Sudbury. Fiat, Feb. 20. Pet. Cr. Alexander Duff, of Sudbury, gent.

HUGHES John, of Liverpool, in the county of Lancaster, painter, plumber, and glazier, *d. c.*, carrying on business at Liverpool aforesaid, in partnership with Congellus Jones, under the style or firm of Hughes & Jones.—Official assignee, Casenove.—Sols. Maples & Co. Frederick's-place, and Fairclough, Liverpool. Fiat, Feb. 15. Pet. Cr. James Hughes, of Liverpool, book-keeper.

JACKSON William, of Liverpool, in the county of Lancaster, baker, and flour and provision dealer.—Official assignee, Turner.—Sols. Vincent & Co. Temple, and Dean, Liverpool. Fiat, Feb. 20. Pet. Cr. William Troutbeck, of Liverpool, painter.

LEE Richard Egan, and John Haddock, of Craven-yard, Drury-lane, in the county of Middlesex, steam-machine printers, stereotype founders, and publishers, *d. c.*—Official assignee, Whitmore.—Sol. Walsh, Lincoln's Inn-fields. Fiat, Feb. 19. Pet. Cr. Thomas Spark Parry, of Soho Wharf, Paddington, coal-merchant.

MALLALIEU James, formerly of High Stile, within Saddleworth, in the county of York, woollen-manufacturer and merchant, *d. c.*, believed to be now or late residing at New York, in the United States of America.—Official assignee, Hobson.—Sols. Richards & Walker, Lincoln's Inn-fields, and Buckley, Ashton-under-Lyne. Fiat, Feb. 12. Pet. Cr. Charles James Buckley, of Ashton-under-Lyne, gentleman, on behalf of the Saddleworth Banking Company.

PENNY Robert, of Cockermouth, in the county of Cumberland, mercer and draper, *d. c.*—Official assignee, Wakley.—Sols. Waugh, Cockermouth, and Stubbs, Furnival's Inn. Fiat, Feb. 10. Pet. Cr. Daniel Clift, of Cockermouth, gent.

CERTIFICATES to be allowed March 15.

Barry Frederick, of Rye, miller.

Donkin Thomas, of Cambridge, victualler.

Edmondson John, of Marsden, miller.

Hague David, of Guiseley, paper-manufacturer.

Hudson James, of Gale and Manchester, calico-printer, (partner with James Broadbent).

Leaf Christopher, of Wood-street, warehouseman.

Mason Richard, of St. Alban's, corn-dealer.

Musgrave Benjamin, of Leeds, dyer, (partner with Samuel Musgrave).

Pearson Joseph, of Darlaston, cutnail manufacturer.

Pusey Richard, of Abingdon, baker.

Thorpe Thomas, of Chertsey and Working, and of Fekham, plumber.

Waters Thomas, of St. Woollos, hay-dealer.

DIVIDENDS.

Date of Fiat.

1843, **BUSH** George Henry, of the Edgeware-road, St. Marylebone, Middlesex, upholsterer; div.

1843, **CHAMPION** Richard, of Friday-street, London, farrier, carrying on business under the firm of R. Champion & Co.; div.

1842, **CHEW** Sanders, of Clipstone, Northamptonshire, flour and malt dealer; div.

1842, **COCK** William, of Bungay, Suffolk, grocer, miller, and candle-chandler; final div.

1843, **HUGHES** Isaiah, of Chelmsford, Essex, shoe-maker; div.

1840, **MARTIN** John, of King-street, London, woollen-warehouseman; final div.

1843, **MOTT** William, of No. 278, Regent-street, Piccadilly, Middlesex, laceman; div.

1842, **SMYTH** Samuel Halsted, of Cambridge, coach-maker; div.

1843, **WHITFIELD** James, of No. 67, Tooley-street, Southwark, grocer; final div.

Gazette, Tuesday, February 27.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BAYLEY Charles Blandy, of Abingdon, in the county of Berks, draper, *d. c.*—Official assignee, Whitmore.—Sol. Ashurst, Cheap-side. Fiat, Feb. 17. Pet. Crs. Thomas Mabyn and William Goss, of Cheap-side, warehousemen.

BRASS Edwin, of Taunton, in the county of Somerset, grocer.—Official assignee. Hernaman.—Sols. Trenchard, Taunton, Terrell, Exeter, and Whittaker, Lincoln's Inn-fields. Fiat, Feb. 16. Pet. Crs. John George Shaw, John Harding, and John Cox, of Bristol, soap-manufacturers.

CHAPLIN William Henry, of Inworth, in the county of Essex, bricklayer, builder, brick and tile maker, *d. c.*—Official assignee, Green.—Sols. Bell, Bedford-row, and Mayhew, Coggeshall. Fiat, Feb. 20. Pet. Cr. William Burfield, of Tollishunt Knight, Essex, shopkeeper.

COPAGE George, of Wolverhampton, in the county of Stafford, victualler.—Official assignee, Whitmore.—Sols. Phillips & Bolton, Wolverhampton. Fiat, Feb. 10. Pet. Cr. George Northwood, of Wolverhampton, Staffordshire, maltster.

GOSS John, of Devonport, in the county of Devon, draper, *d. c.*—Official assignee, Hertzel.—Sols. Crosby & Compton, Church-court, Old Jewry. Fiat, Feb. 17. Pet. Crs. Thomas Thornborrow Pawcett and Richard Edmonds, of No. 12, Trumps-street, in the city of London, warehousemen.

GREENING Thomas, of Henwick, in the parish of St. Clement, in the city of Worcester, formerly a chemist and druggist, but now a surgeon, apothecary, and accoucheur, *d. c.*—Official assignee, Whitmore.—Sol. Robeson, Bromsgrove. Fiat, Feb. 20. Pet. Cr. William Augustus Greening, of Bromsgrove, grocer and maltster.

GRIFFITHS Thomas, of Stoke-upon-Trent, in the county of Stafford, draper and tailor.—Official assignee, Valpy.—Sols. Middleton, Stone, and Hodgson, Birmingham. Fiat, Feb. 20. Pet. Cr. Samuel Griffiths, of Stone, Staffordshire, mercer and draper.

HODSDON Thomas, of Harrow, in the county of Middlesex, butcher.—Official assignee, Edwards.—Sols. Poole & Gamlen, Gray's Inn-square. Fiat, Feb. 26. Pet. Cr. Joseph Hodsdon, of Harrow, farmer.

PADDON Robert, of Hartlepool, in the county of Durham, chemist, druggist, common brewer and spirit-merchant.—Official assignee, Wakley.—Sols. Wilson, Hartlepool, and Meggison & Co. King's-road. Fiat, Feb. 10. Pet. Crs. Joseph Parkin, of Hartlepool, shipowner, and Johnson Wortley, of Hartlepool, joiner.

SCOTT William, of No. 19, Regent-street, in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, Lackington.—Sol. Clarke, George-street. Fiat, Feb. 17. Pet. Cr. John Scott, of River street, Myddleton-square, esq.

CERTIFICATES to be allowed March 19.

Bayley Edwin Bancroft, of Pendleton, stuff-printer.
Bingham Luke Frith, of Bakewell, floss-seller.
Crisp Joseph, of Liverpool and Lisard, auctioneer.
Crussell Benjamin, of Croydon, glass-dealer.
Gore Edward Thomas, of Tilehurst, cattle-dealer.
Lecarne Lewis Celeste, of Fenchurch-buildings, merchant.
Warner Hislop Edward Marsack, Thomas Manning, and James Manning, of Liverpool, brandy distillers.

DIVIDENDS.

Date of Fiat.
1843, **AUMONIER** David, of Wigmore-street, Cavendish-square, Middlesex, goldsmith and jeweller; div.
1843, **BATES** John, of Three Colt-street, Limehouse, Middlesex, grocer and cheesemonger; div.
1843, **BAYLEY** Edwin Bancroft, of Pendleton, near Manchester, Lancashire, stuff and mousseline de laine printer; div.
1843, **BEER** Joseph Reep, and William Henry Bastick, of St. Thomas the Apostle, Devonshire, coal merchants; final joint div., and sep. div. of Beer.
1843, **COWHERD** John, of Hugill, in Kendal, Westmorland, miller and maltster; final div.
1843, **DENZILLOE** Henry, of Bridport, Dorsetshire, grocer and wine and spirit merchant; div.
1842, **FERNANDES** Joze Luis, Nowell Luis Fernandes, and Joze Luis Fernandes, the younger, all of Wakefield, Yorkshire, trading there as corn-millers and merchants, under the firm of J. L. Fernandes & Son; sep. div. of J. L. Fernandes.
1843, **FURZE** John, of Paington, Devonshire, victualler; first and final div.
1843, **HESLOP** John, of Morpeth, Northumberland, grocer; final div.
1842, **HITCHCOCK** John Robert, of New Sarum, Wiltshire, hosier and carrier; div.

Date of Fiat.

1842, **HOWATH** William, of Swaffham, Norfolk, wine and liquor merchant; div.
1843, **MAYS** William, of Brigstock, Northamptonshire, feltmonger and trader; div.
1841, **PORTER** Richard, late of Gisborne Park, Yorkshire, but now of Birkacre, near Chorley, and of Manchester, both in Lancashire, Pohn Potter, of Manchester, and James Potter, of Manchester, cotton-spinners and manufacturers, trading at Manchester under the firm of J. & J. Potter; first joint div.
1843, **THOMPSON** Thomas Hinderwell, of Liverpool, Lancashire, merchant; div.
1839, **TOMBLESON** William, late of the Manor House, Greenlanes, Stoke Newington, Middlesex, tavern-keeper and publisher; final div.
1843, **TRAPP** Thomas, and Thomas Pierson Trapp, of No. 1, Church-street, St. Saviour, Southwark, Surrey, tallow-chandlers and melters; joint div.

Gazette, Friday, March 1.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

ASTON William, of Toll End, and of Coseley Iron-works, Staffordshire, iron-master.

POPPLTON Charles, of York, linen-manufacturer.

WHITE Thomas, of Regent-street, laceman.

TOWN AND COUNTRY FIATS.

BATTY William, of the borough of Kingston-upon-Hull, carrier.—Official assignee, Freeman.—Sols. Hicks & Co. Gray's Inn, and Galloway & Bell, Hull. Fiat, Feb. 13. Pet. Cr. Westoby Ward, of Kilpin Pike, Yorkshire, tanner.

CRANEIS Robert Josiah, of Maldon, in the county of Essex, butcher and innkeeper.—Official assignee, Pennell.—Sols. Tilson & Sqaunce, Coleman-street, and Digby, Maldon. Fiat, Feb. 29. Pet. Cr. Thomas Raymond, of Maldon, butcher.

GENT Robert, of Hulme, within Manchester, in the county of Lancaster, traveller, late of Oldham-street, in Manchester aforesaid, oil and colour merchant, *d. c.*—Official assignee, Fraser.—Sols. Chester & Co. Staple Inn, and Wilson, Manchester. Fiat, Feb. 23. Pet. Cr. William Knight, of Manchester, door-cloth manufacturer.

HELLEWELL James, of Salford, in the county of Lancaster, dyer and finisher.—Official assignee, Hobson.—Sols. Cooper, Manchester, and Gregory & Co. Bedford-row. Fiat, Feb. 23. Pet. Cr. Samuel Pullen, of Manchester, gent.

JOHNSON Joshua Joseph, formerly of Maze-pond, but now of Lantstreet, both in the borough of Southwark, in the county of Surrey, carpenter and builder, *d. c.*—Official assignee, Graham.—Sols. Hill & Matthews, St. Mary-ux. Fiat, Feb. 27. Pet. Cr. Margaret Kydd, of Montague-street West, widow.

JONES Francis, late of the city and county of Bristol, grocer, *d. c.*—Official assignee, Kynaston.—Sol. Perkins, Nicholas-street. Fiat, Feb. 22. Pet. Cr. Fitz William Wickam, of Bristol, wholesale grocer.

LARK John, of No. 11, Seymour-street, Fuston-square, in the parish of St. Pancras, in the county of Middlesex, boot and shoe maker, *d. c.*—Official assignee, Pennell.—Sols. Davies & Cleobury, Warwick-street. Fiat, Feb. 27. Pet. Cr. William Stevenson, of King-street, Covent-garden, carpet-warehouseman.

LOPEZ Melchor, late of Fenchurch-street, afterwards of New London-street, and now of Crutched-friars, all in the city of London, wine-merchant and commission-agent, *d. c.*—Official assignee, Turquand.—Sols. Baxendale & Co. Great Winchester-street. Fiat, Feb. 20. Pet. Cr. Alexander Bell, of Brabant-court, Philpot-lane, merchant.

MURRAY Peter, of Thomas-street, Manchester, in the county of Lancaster, travelling draper, *d. c.*—Official assignee, Pott.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, Feb. 21. Pet. Crs. James McClure and William Stroyan, of Manchester, warehousemen.

WATKINSON James, otherwise James Banks Watkinson, of Maghull, in the county of Lancaster, saddler.—Official assignee, Morgan.—Sols. Vincent & Co. Temple, and Brabner & Atkinson,

Liverpool. Fiat, Feb. 24. Pet. Crs. Mary Pattinson, widow, Elizabeth Wilson, wife of Francis Wilson, surgeon, Dorothy Pattinson, spinster, and Mary Ann Pattinson, spinster, all of Liverpool, executrixes of John Pattinson, late of Liverpool, currier.

CERTIFICATES to be allowed March 22.

Allen Matthew, of Waltham Holy Cross, apothecary.
Atkins James, of Shoreditch, tobaccoist.
Beamish Samuel George, of Manor-place, Walworth, limestone-dealer.
Cornish John, of Bridport, painter.
Fletcher Robert Thomas, of Brentford, money-scrivener.
Gore Thomas, of Broadstairs, baker.
Hadley Michael, of Walsall, chemist.
Parker Richard, of Deptford-row, Rotherhithe, linen-draper.
Partridge Samuel, of Birmingham, tea-dealer.
Reynolds Baron, of Mitcham, silk-printer.
Statters William, and John Statters, of Melor, cotton-spinners.
Wilkinson John, of Leeds, grocer.

DIVIDENDS.

Date of Fiat.

- 1843, **BEST** Edward Payne, of Crutched-friars, London, and of Croom's-hill, Greenwich, Kent, wine-merchant; div.
1832, **BROWN** William Alexander, John Townsend Bailey, James Smith, Thomas Pierce, and Henry Grueber, all of Liverpool, Lancashire, oil and colour manufacturers and merchants, carrying on trade under the firm and description of Brown, Bailey, & Co.; sep. div. of Pierce.
1843, **CROSBIE** Robert, of Sutton, Cheshire, tea-dealer and linen-draper; div.
1843, **HARFORD** John, and William Weaver Davies, of Bristol, and of Ebbw Vale, and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; sep. div. of Davies.
1840, **HERVEY** John Morant, of the Thames Foundry, Brick-lane, Old-street, St. Luke's, Middlesex, iron-founder; fur. div.
1843, **OLIVER** John, and John York, both of Stoney Stratford, Buckinghamshire, and which said John York is now residing at Brighton, Sussex, and Richard Harrison, of Wolverton, Buckinghamshire, carrying on the trade or business of coal and iron masters, at Tipton, Staffordshire, under the style or firm of the Horseley Coal and Iron Company; sep. div. of Harrison.
1843, **OLIVER** John, and John York, of Stoney Stratford, Buckinghamshire, bankers, and which said John York is now residing at Brighton, Sussex; sep. div. of John Oliver.
1844, **SLESINGER** Henry, and Joseph Slesinger, of Cateaton-street, London, warehousemen and importers of toys; div.

Gazette, Tuesday, March 5.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

SOUTHGATE Henry, of Fleet-street, auctioneer.
WOOD William Law, of Bishopsgate-street Within, export iron-monger.

TOWN AND COUNTRY FIATS.

- BLAKE** Nathan, of No. 75, Edgware-road, in the county of Middlesex, linen-draper and haberdasher, *d. c.*—Official assignee, Alsager.—Sols. Messrs. Pain & Hatherly, Great Marlborough-street. Fiat, March 1. Pet. Cr. John Hatherly, of Great Marlborough-street, gentleman.
CHEESMAN William, John Hodson, and William Oliver Cheesman, of Brighton, in the county of Sussex, chinaman, *d. c.*—Official assignee, Alsager.—Sol. Cattlin, Ely-place. Fiat, March 2. Pet. Cr. Nathaniel Huson, of Great Portland-street, china-dealer.
COUCHMAN Charles, of No. 46, Edward-square, Kensington, in the county of Middlesex, carpenter and builder.—Official assignee, Follett.—Sol. Atkinson, Carey-street. Fiat, March 4. Pet. Cr. James Watson, of Montpelier Vale, Blackheath, butcher.
CRUMP John, of Stanway, in the county of Gloucester, corn-dealer, miller, *d. c.*—Official assignee, Hutton.—Sols. Check, Evesham, Dixon, Bristol, and Bell, Bedford-row. Fiat, March 1. Pet. Cr. Charles Randell, of Norton and Larchwich, Worcestershire, gent.

HAWKES William Robert, of Brighton, in the county of Sussex, common brewer, coal-merchant, *d. c.*—Official assignee, Belcher.—Sols. Rickards & Walker, Lincoln's Inn-fields. Fiat, March 1. Pet. Cr. Edward Toppin, of Brighton, auctioneer.

HUGGINS John, of No. 5, York-place, High-street, Portland-town, in the county of Middlesex, and of No. 8, Vernon-place, Bagnidge Wells-road, in the same county, poulterer and fishmonger.—Official assignee, Groom.—Sols. Messrs. Lovell, Gray's Inn. Fiat, March 1. Pet. Cr. James Huggins, of Sidmouth-street, Gray's Inn-road, gentleman.

JOSEPH James, late of Richmond, in the county of Surrey, oilman, then of Wellington-street North, Strand, in the county of Middlesex, then of Fleet-street, then of Little Knight Rider-street, both in the city of London, out of employ at present, and for six months past residing at No. 17, Peter's-hill, in the parish of Saint Peter, Paul's Wharf, in the city of London, and being a clerk to a book-keeper.—Official assignee, Lackington.—Sol. Lane, Argyll-street. Fiat, March 2. Pet. Cr. Andrew John Bruce, of No. 24, St. Mary Axe, shop fixture dealer.

MOTTRAM Charles Moore, of Friday-street, Cheap-side, in the city of London, warehouseman.—Official assignee, Whitmore.—Sols. Sale & Worthington, Manchester, and Reed & Shaw, Friday-street. Fiat, Feb. 22. Pet. Cr. John Lilleyman, of Claremont-square, Fentonville, gentleman.

RIDDEY Charles Joseph, of Little Crea-ton, in the county of Northampton, innkeeper, *d. c.*—Official assignee, Johnson.—Sols. Weller, King's-road, Bedford-row, and Pell, Northampton. Fiat, Feb. 26. Pet. Cr. Joseph Riddy, of Yardly Hastings, Northamptonshire, farmer and butcher.

TARVER James, of Daventry, in the county of Northampton, iron-founder, ironmonger, and licensed victualler.—Official assignee, Edwards.—Sols. Addis & Guy, Great Queen-street, Westminster. Fiat, March 1. Pet. Cr. Inan Oliver, of Hampton Wick, gent.

TAYLOR Henry, of Bilston, in the county of Stafford, victualler.—Official assignee, Christie.—Sols. Manby & Co. Wolverhampton. Fiat, Feb. 22. Pet. Crs. Benjamin and Thomas Savage, of Wolverhampton, maltsters.

TUCK Edmund, of No. 70, Haymarket, in the county of Middlesex, silversmith.—Official assignee, Turquand.—Sol. Mawe, New Bridge-street. Fiat, March 2. Pet. Cr. William Eaton, of Jewin-crescent, silversmith.

CERTIFICATES to be allowed March 26.

Congreve Henry, of Peckham, dealer in patent medicines.
Duffield Charles, of Bath, grocer.
Greenhow Richard, of Wrexham, iron-master.
Kearse William, of Belgrave-place, Walworth-road, tailor.
Lawrence John, of Birmingham, spirit-merchant.
Laybourne Henry, of Hartlepool, ship-broker.
Munn Edward, of Stanhope-terrace, Hyde-park, corn-chandler.
Pierce Joseph, of Dean-street, Soho, victualler.
Read William, of King-street, Covent-garden, engraver.
Sewell John, of Charles-street, Paddington, victualler.
Smalley John, of Duxberry Mill, near Chorley, corn-miller.
Why James, of Holborn-hill, laceman, (partner with Thomas Fender, jun.)

DIVIDENDS.

Date of Fiat.

- 1837, **ANDREW** Joseph, late of the Crown public-house, Lad-loc, London, and now residing at No. 19, Guildford-street East, Wilmington-square, Middlesex, licensed victualler; div.
1841, **AXMANN** Paul, and John George Christ, of No. 4, Marl-lane, London, foreign and general merchants; div.
1843, **BAINES** Thomas, of Bradford, Yorkshire, worsted-spinner; first div.
1840, **BEASLEY** Robert, of Gaddesby, Leicestershire, and of Leicester, worsted-spinner; div.
1842, **BOMFORD** Thomas, late of Elmstone Hardwick, Gloucestershire, hay-dealer, carrying on business at Cheltenham, as a hay, straw, corn, and coal dealer; div.
1843, **BUCHANAN** Charles Benn, and William Cunningham, both of Liverpool, Lancashire, merchants, carrying on business there under the firm of Charles Benn Buchanan & Co., and lately at New York, in America, under the firm of Cunningham & Buchanan, and also at present carrying on business at Montreal, in Canada, British North America, with John Giam, under the firm of Buchanan, Cunningham, & Giam; first joint div.

Date of Fiat.

- 1844, **COURTENAY** Francis Burdett, of No. 42, Great Marlborough-street, bookseller, surgeon and apothecary; div.
- 1842, **CROWTHER** John, of Huddersfield, Yorkshire, corn-miller; second div.
- 1843, **EYRE** Thomas, of Gainsborough, Lincolnshire, corn-merchant, spirit-merchant, and coal-merchant; second div.
- 1819, **FEATHERSTONHAUGH** Henry, late of Bishopwearmouth, Durham, coal-fitter; final div.
- 1841, **FRETWELL** William, of Leeds, Yorkshire, colonial-merchant; first div.
- 1842, **FULFORD** Henry, of Birmingham, Warwickshire, draper; div.
- 1843, **HADLEY** Michael, of Walsall, Staffordshire, chemist, druggist, and grocer; div.
- 1843, **HUNT** Richard, of Kingston-upon-Hull, hosier; final div.
- 1841, **KEEP** William, of No. 25, Northumberland-street, Strand, Middlesex, tailor; final div.
- 1803, **KENNETT** Robert, formerly of New Bond-street, Middlesex, upholsterer, but afterwards of Lincoln's Inn-fields, Middlesex, tooth-ache curer; div.
- 1816, **MACKINTOSH** Ewen, of the Haymarket, Middlesex, army accoutrement maker and saddler; final div.
- 1843, **MAGGS** Thomas, of Cheshunt, Hertfordshire, upholsterer; final div.
- 1837, **PHILIP** James, of Tewkesbury, Gloucestershire, and of Birmingham, Warwickshire, coal-merchant; div.
- 1843, **READ** William, of King-street, Covent-garden, Middlesex, engraver and printer; first div.
- 1836, **SHARP** Clement, and William Dudds Clarke, of Berners-street, Marylebone, Middlesex, upholsterers and cabinet-makers; final joint div., and sep. div. of Clarke.
- 1840, **TAYLOR** Joseph, of Middlesbrough, Yorkshire, coal-fitter, carrying on business under the style and firm of the Tees Coal Company; final div.
- 1843, **WALKER** George, of Newcastle-upon-Tyne, ship and insurance broker and merchant; fur. div.
- 1843, **WEST** James Graham, now or late of High-street, Wandsworth, Surrey, grocer and cheesemonger; div.
- 1843, **WILLIS** James, of No. 7, Osborne-street, Whitechapel, Middlesex, ale and porter merchant; div.

Gazette, Friday, March 8.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BARKER** Robert, of Manchester, in the county palatine of Lancaster, druggist.—Official assignee, Stanway.—Sols. Shield & Harwood, Queen-street, and Bagshaw & Stevenson, Manchester. Fiat, March 2. Pet. Crs. James Drew and Richard Hayward, of Bush-lane, Cannon-street, London, wholesale druggists.
- BARWICK** Joseph, of the Swan with Two Necks yard, Great Carter-lane, Doctors'-commons, in the city of London, and of Dulwich, in the county of Surrey, livery-stable keeper, omnibus and cabriolet proprietor, *d. c.*—Official assignee, Graham.—Sol. Lettis, Bartlett's-buildings. Fiat, March 2. Pet. Cr. George Peacock, of Brandon-row, Newington-causeway, corn-dealer.
- BREWER** Thomas, of Liverpool, in the county of Lancaster, flag-dealer, pavior, *d. c.*—Official assignee, Cazenove.—Sols. Bridger & Blake, Finsbury-circus, and Dodge, Liverpool. Fiat, March 4. Pet. Cr. William Chadwick, of Liverpool, flag-dealer.
- DOUGLAS** Joseph, of the borough and county of Newcastle-upon-Tyne, rope-manufacturer, *d. c.*—Official assignee, Baker.—Sols. Bell & Co. Bow-churchyard, and Bates & Dees, Newcastle. Fiat, March 1. Pet. Crs. Robert and William Hawthorn, of Newcastle-upon-Tyne, civil-engineers and steam-engine builders.
- EDWARDS** Henry, of St. Albans, in the county of Hertford, coal-merchant, *d. c.*—Official assignee, Pennell.—Sols. Roche & Co. Charles-street, Covent-garden. Fiat, March 5. Pet. Cr. Richard Few, of St. Albans, builder.

FOORD George, of Lenham, in the county of Kent, seed-merchant and general dealer.—Official assignee, Follett.—Sols. Bower & Co. Chancery-lane, and Hart, Maidstone. Fiat, March 4. Pet. Cr. Samuel John Knight, of Maidstone, iron-founder.

LEWIS Ralph, late of Eastgate-street, in the city of Chester, but now of Perrygroves, in the township of Tryddyn, in the parish of Mold, in the county of Flint, wine and spirit merchant.—Official assignee, Bird.—Sols. Milne & Co. Temple, and Ingleby, Mold. Fiat, March 4. Pet. Cr. John Twiston, of Henllan-place, near Denbigh, gentleman.

MONTEFIORE Jacob, and Joseph Barrow Montefiore, late of George-street, Mansion-house, in the city of London, and recently of Nicholas-lane, in the same city, merchants and copartners, *d. c.*—Official assignee, Follett.—Sol. Ashurst, Cheapside. Fiat, Feb. 29. Pet. Cr. Aaron Asher Goldsmid, of Cavendish-square, esq.

PAYNE John Douglas, and Lydia Rushton, of Birmingham, in the county of Warwick, furriers and milliners, and copartners in trade.—Official assignee, Valpy.—Sols. Lloyd, Milk-street, and Griffith, Birmingham. Fiat, Feb. 27. Pet. Cr. Edwin Leaf, of Wood-street, warehouseman.

THOMSON James, of Fenton Park, in the parish of Stoke-upon-Trent, in the county of Stafford, iron-manufacturer, *d. c.*, and George Thomson, of the same place, iron-manufacturer, *d. c.* and copartners, and lately carrying on business at Fenton Park aforesaid, as iron-manufacturers, *d. c.*, in copartnership with one Richard Massie, and trading under the firm of Thomsons & Massie.—Official assignee, Christie.—Sols. Smallwood, Adamston, and Mottram & Giddy, Birmingham. Fiat, Feb. 29. Pet. Cr. George Smith, of Glasgow, manufacturing chemist.

WILKINSON Thomas, of King-street, Holborn, in the county of Middlesex, boot and shoe maker, *d. c.*—Official assignee, Pennell.—Sol. Heath, Gracechurch-street. Fiat, Feb. 27. Pet. Crs. Joseph Clarke and George Manley, of No. 76, Dean-street, Soho, curriers.

CERTIFICATES to be allowed March 29.

- Andrew Joseph, of Guildford-street East, victualler.
Guntton Jonathan, of Cambridge, butcher.
Hunt Charles John, of Cork-street, St. James's-street, and of the Quadrant, billiard-table maker.
Jukes Joseph, of Westbromwich, nail-manufacturer, and of Rowley Regis, coal-master.
Lowman Adam Warren, and Thomas Stone Lowman, of Eastcheap, cheesemongers.
Rowlands David, of Pwllheli, dealer in wines and porter.

DIVIDENDS.

Date of Fiat.

- 1836, **DARGUE** Wilson, of Whitehaven, Cumberland, innkeeper; final div.
- 1842, **GOSDEN** John, of the Somers' Arms, Wilestead-street, Middlesex, licensed victualler; final div.
- 1835, **JAMES** Joseph Gillam, late of No. 26, Bucklersbury, London, but now a prisoner in Whitecross-street prison, London, wine-merchant; div.
- 1829, **JAQUES** Edward Francis, late of Gravesend, Kent, and now of Commercial-place, Brixton, Surrey, market gardener and hay-salesman; div.
- 1842, **MILLER** Joseph, of Stockton-upon-Tees, Durham, lately carrying on the trade and business of a patent sail-cloth and rope manufacturer, at Stockton-upon-Tees, with John Campion, of the same place, under the name, style or firm of Miller & Campion, and previously of the same place, with George Craddock, under the name, style, or firm of Miller, Craddock & Co.; sep. div. of George Craddock.
- 1843, **MILLS** William Frederick, of Hart-street, Mark-lane, London, and of No. 120, High Holborn, Middlesex, merchant and gun-maker; div.
- 1843, **PALMER** John Ogilvy, of No. 31, Bold-street, Liverpool, Lancashire, music-seller and dealer in musical instruments; div.
- 1843, **PARSLOW** Charles, of No. 46, Blackman-street, Southwark, tailor; div.
- 1842, **TOMKINSON** William, of Stoke-upon-Trent, Staffordshire, wine and spirit merchant; final div.
- 1843, **WHEATLEY** John, of Kennington-cross, Lambeth, Surrey, livery-stable keeper and coach-proprietor; div.
- 1843, **WILLS** Robert, and Richard Davey, of Oxford-street, Middlesex, drapers; div.

Gazette, Tuesday, March 12.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ADAMS Thomas, of the Green Dragon hotel, in the town of Newport, in the Isle of Wight, in the county of Hants, publican and hotel-keeper.—Official assignee, Edwards.—Sol. Foster, Jermyn-street. Fiat, March 6. Pet. Cr. Samuel Laurance, of No. 315, Oxford-street, horse-dealer.

ALSOP Richard, of Manchester, in the county of Lancaster, grocer, shopkeeper, &c.—Official assignee, Fraser.—Sols. Johnson & Co. Temple, and Hitchcock & Co. Manchester. Fiat, March 7. Pet. Cr. Peter Roylance, of Manchester, butter-merchant.

CROWDER Robert, of West Auckland, in the county of Durham, iron-founder, &c.—Official assignee, Baker.—Sols. Steavenson, Darlington, and Burn, Great Carter-lane, Doctors'-commons. Fiat, March 1. Pet. Cr. Addeson Thomas Steavenson, of Darlington, gentleman.

EICKE Charles, late of Rotherhithe, in the county of Surrey, iron rivet and railway spike manufacturer, &c., trading under the firm of the Patent Iron Rolling and Compressing Company, and of Park-street, Westminster, in the county of Middlesex.—Official assignee, Johnson.—Sol. Taylor, Clement's-lane. Fiat, March 5. Pet. Cr. William Addams, of Wapping, grocer.

LIMBERT George, of Boroughbridge, in the county of York, shop-keeper, &c.—Official assignee, Young.—Sols. Williamson & Co. Gray's Inn, and Blanchard & Co. York. Fiat, Feb. 28. Pet. Cr. Thomas Price, of Clementhorpe, esq. on behalf of the York City and County Banking Company.

MILLAR Thomas, of Liverpool, in the county of Lancaster, hosier and draper, &c.—Official assignee, Pott.—Sols. Abbott, Charlotte-street, Bedford-square, and Messrs. Bennett, Manchester. Fiat, March 5. Pet. Crs. James Smith and Bryce Smith, of Manchester, merchants.

POTT William, of Macclesfield, in the county of Chester, silk-throwster, &c., surviving partner of John Pott, late of the same place, carrying on business under the firm of W. & J. Pott.—Official assignee, Stanway.—Sols. Abbott, Charlotte-street, London, and Messrs. Bennett, Manchester. Fiat, March 8. Pet. Cr. Charlotte Pott, of Macclesfield, spinster.

SCHOLEFIELD Joseph, of No. 39, Cheapside, in the city of London, cutler.—Official assignee, Belcher.—Sols. Shield & Harwood, Queen-street, Cheapside. Fiat, March 12. Pet. Cr. T. Healey, of Great Trinity-lane, stationer.

SMITH William, now or late of King-street, Saint Giles in the Fields, but now of No. 399, Strand, in the county of Middlesex, printer and stationer.—Official assignee, Whitmore.—Sol. Webber, Caroline-street, Bedford-square. Fiat, March 4. Pet. Cr. John Huish Webber, of No. 3, Caroline-street, Bedford-square, attorney.

SMITH William, of the town and county of the town of Nottingham, small-ware man, &c.—Official assignee, Bittleston.—Sols. Cowley, Nottingham, and Mottram & Gidley, Birmingham. Fiat, Feb. 28. Pet. Cr. Thomas Smith, of Sneinton, gent.

SPARKE Algernon, of No. 28, Jewin-crescent, Jewin-street, in the city of London, wine and spirit merchant, &c.—Official assignee, Johnson.—Sol. Chisholm, Cook's-court, Chancery-lane. Fiat, Feb. 21. Pet. Cr. George Wallis Moore, of Water-lane, Tower-street, ship and custom-house agent.

STOREY Charles Allanby, of Leeds, in the county of York, corn and flour merchant, &c.—Official assignee, Freeman.—Sols. Summers, Princes-street, Leicester-square, and Ray, Leeds. Fiat, March 5. Pet. Cr. Thomas Craven, of Leeds, corn-merchant.

WOOD George, of Ingram, in the parish of Ingram, in the county of Northumberland, banker, &c., one of the members, partners, shareholders, and proprietors of and in the banking company or copartnership carrying on trade at Newcastle-upon-Tyne and elsewhere, under the firm or title of the North of England Joint Stock Banking Company.—Official assignee, Wakley.—Sols. Nicholls & Doyle, Bedford-row, and Kent, Newcastle-upon-Tyne. Fiat, Feb. 28. Pet. Cr. Matthew Trotter Johnston, of Newcastle-upon-Tyne, gent.

CERTIFICATES to be allowed April 2.

Baylis Joseph, of Birmingham, victualler.
Clarke Caleb, of Banbury, linen-draper.
Cook Samuel, of Dudley, draper.

Jackson George, of Hertford, upholsterer.
Newman Arthur Atherley, of High-street, Whitechapel, saddler.
Newton Joseph, of Wolverhampton, locksmith.
Peters Frederick, of Manchester, wine-merchant.
Powell Charles, of Coventry, watch-manufacturer.
Pughe Evan, of Everton, near Liverpool, tailor.
Rowles John, of Leicester, worsted-manufacturer.
Smith Benjamin, of Tipton, grocer.
Wells Anthony, of Wickford, surgeon.
Whitley John, of Liverpool, surgeon.
Wolland John, of Exeter and Powderham, turner, (partner with William Wolland).

DIVIDENDS.

Date of Fiat.

1843, **BRAIN Ephraim**, of Rodney-street, Pentonville, Middlesex, steel and copper-plate printer; div.
1843, **COOK Samuel**, of Dudley, Worcestershire, draper; div.
1843, **COOK Michael**, of Eveham, Worcestershire, hotel-keeper; div.
1842, **COOPER Edward**, of High-street, St. Giles's, and of Piccadilly, both in Middlesex, stationer; div.
1843, **DEWSON Charles Frederick**, of Weaman-street, Birmingham, Warwickshire, victualler, stamper, and piercer; div.
1843, **FRARY Robert** Hammond, and John Frary, of Oxford-street, Middlesex, carpet warehousemen; divs.
1843, **HARFORD John**, and William Weaver Davies, of Bristol, and of Ebbw Vale and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Company, Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; div.
1844, **PERRYMAN Joseph Henry**, of Birmingham, Warwickshire, bookseller and publisher; div.
1843, **POWELL Charles**, of Coventry, watch-manufacturer; div.
1843, **PROTHEROE Philip**, and Mark Davis Protheroe, of Bristol, West India merchants; sep. divs.
1843, **REDSHAW Thomas**, of Bourn, Lincolnshire, saddler and harness-maker; div.
1843, **STONE William**, of Birmingham, Warwickshire, printer and bookseller; div.
1843, **WOLLAND John**, and William Wolland, of Exeter, and also of Powderham, Devonshire, turners and timber-merchants; div.

Gazette, Friday, March 15.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

ROSCOE William, John Clarke, and William Stanley Roscoe, of Liverpool, bankers.

THOMPSON William, of Newcastle, merchant.

WALKER James, of Wheaton Aston, machine-maker.

TOWN AND COUNTRY FIATS.

BELL John, otherwise John Crawford Bell, of the city of Norwich, surgeon and apothecary.—Official assignee, Alsager.—Sols. Winter, Norwich, and Montague, Trinity-place, Charing-cross.

CARRUTHERS George, of the city of Coventry, in the county of Warwick, draper, &c.—Official assignee, Valpy.—Sols. Nickle, Manchester, and Colmore & Heale, Birmingham. Fiat, March 11. Pet. Cr. Thomas Hunter, of Manchester, calico-printer.

DAKEYNE Alice, of Bolton-le-Moors, in the county of Lancaster, small-ware dealer, &c.—Official assignee, Fraser.—Sols. Atkinson & Saunders, Manchester, and Makinson & Sanders, Temple. Fiat, March 12. Pet. Cr. James Tickle, of Bolton-le-Moors, Lancashire, tobacco-manufacturer.

FOAKES John, of Mitcham, in the county of Surrey, market-gardener, land-surveyor, manufacturer, &c.—Official assignee, Groom.—Sols. Sharpe & Co. Bedford-row, and Foster & Co. Norwich. Fiat, March 11. Pet. Crs. John Henry Gurney, Richard Hansbury Gurney, James Gurney, Joseph John Gurney, Daniel Gurney, and Henry Birkbeck, of Norwich, bankers.

JONES John Rees, of Newbridge, in the county of Monmouth, grocer and draper, &c.—Official assignee, Miller.—Sol. Perkins, Bristol. Fiat, March 9. Pet. Crs. James Bailey and William Helder Bailey, wholesale grocers.

LUBBOCK Thomas Eastoe, of Butcher-hall-lane, Newgate-street, in the city of London, licensed victualler.—Official assignee, Follett.—Sols. Henderson, Mansell-street. Fiat, March 7. Pet. Cr. Christopher Hill, of Aldgate, wine-merchant.

SAVILL Charles, of Romford, in the county of Essex, grocer and cheesemonger, *d. c.*—Official assignee, Follett.—Sols. Hindmarsh & Son, Jewin-crescent. Fiat, March 14. Pet. Crs. Richard Whitaker Nutter and William Merry, of Whitechapel, cheesemongers.

WADE James, late of Lyttleton Paper Mills, near Evesham, in the county of Worcester, but now of No. 163, Broad-street, in the borough of Birmingham, in the county of Warwick, paper-maker. Official assignee, Bittleston.—Sols. Motteram & Giddey, Birmingham. Fiat, March 12. Pet. Cr. John Wade, of Ludlow, Salop, paper-maker.

WALKINGTON Joseph, now or late of Chapel-town, in the borough of Leeds, in the county of York, joiner, *d. c.*—Official assignee, Hope.—Sols. Blackburn, Leeds. Fiat, March 1. Pet. Cr. Richard Gott, of Leeds, plumber.

CERTIFICATES to be allowed April 5.

Abbott James, of Milton-on-Thames and Keynsham, builder.
Bladell Alexander, of Upper Charlotte-street, Fitzroy-square, harp-maker.
Brown Thomas, and Benjamin Brown, of Wakefield, drapers.
Cooke Michael, of Evesham, hotel-keeper.
Croft William Philip Masters, of Great Windmill-street, victualler.
Molineux Thomas, of Manchester, silk-manufacturer.
Pearson William, of Chelmsford, draper.
Pino Thomas Presto, of Liverpool, ship-chandler.
Pottinger Thomas, of Austin-friars, merchant, (partner with Henry Howell and Alexander Oswald).
Prince Richard, of Pendleton, stuff-printer, (partner with Ferdinand Eichmann).
Southern James, of Birmingham, grocer.
Wheatley John, of Kennington-cross, livery-stable keeper.

DIVIDENDS.

Date of Fiat.
1840, **FERRIS** Richard, James Henry Butler, and John Butler, of Liverpool, Lancashire, merchants, carrying on business under the firm of Ferris, Butler, & Co.; div.
1837, **TOWNSHEND** Thomas, of Birmingham. Warwickshire, contractor for rail-road works and builder; div.

Gazette, Tuesday, March 19.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

HEFFER Robert, of St. Ives, Huntingdonshire, draper.

TOWN AND COUNTRY FIATS.

DEACON James, of Whitechapel-road, in the county of Middlesex, draper, *d. c.*—Official assignee, Johnson.—Sols. Reed & Shaw, Friday-street. Fiat, March 16. Pet. Crs. Henry Horton, Charles White, John Lupton, and Henry Burdett, of Bread-street, warehousemen.

PINNEY John, of Woore, in the county of Salop, builder.—Official assignee, Whitmore.—Sols. Warren, Market Drayton, and Hodgson, Birmingham. Fiat, Feb. 29. Pet. Cr. Thomas Barratt, of Market Drayton, Salop, builder.

GOERTZ Henry, of New Windsor, in the county of Berks, upholsterer, *d. c.*—Official assignee, Groom.—Sols. Burn, Great Carter-lane, and Barton, New Windsor. Fiat, March 11. Pet. Cr. Thomas Jones, of Clewer, Berks, schoolmaster.

HARDING George, of Carlisle, in the county of Cumberland, tea-dealer and grocer, trading under the firm of George Harding & Co.—Official assignee, Baker.—Sols. Hill & Co. Saint Mary Axe, and Hoyle, Newcastle. Fiat, March 8. Pet. Cr. Daniel Harrison, of Liverpool, tea-dealer.

4. BANKR. 1844.

HOWARTH James, of Lee Mill, near Bacup, in the county of Lancaster, cotton-spinner and manufacturer.—Official assignee, Pott.—Sols. Messrs. Baxter, Lincoln's Inn-fields, and Messrs. Sale & Worthington, Manchester. Fiat, March 11. Pet. Cr. Charles Haigh, of Broadley Wood, near Rochdale, cotton-spinner and manufacturer.

RAMSAY Mary, and Ralph Ramsay, carrying on business together under the style or firm of Mary Ramsay & Son, as paper-manufacturers, *d. c.*, at Scotswood, in the county of Northumberland.—Official assignee, Wakley. Sols. Lawes & Glynn, Newcastle-upon-Tyne, and Leadbitter, Staple Inn. Fiat, March 6. Pet. Cr. George Burnett, junior, Hugh Lee Pattinson, John Lee, and William Watson Pattinson, of Newcastle-upon-Tyne, soda-manufacturers.

RIDOUT John Early, of Ringwood, in the county of Southampton, wool-draper, *d. c.*—Official assignee, Turquand.—Sols. Holme & Co. New Inn, and Davy, Ringwood. Fiat, March 13. Pet. Cr. John Cutchell, of Ringwood, Hants, corn-factor.

STAPLES Charlotte, of the town and county of the town of Southampton, milliner, *d. c.*—Official assignee, Whitmore.—Sols. Hicks & Braikenridge, Bartlett's-buildings, and Clement & Newman, Southampton. Fiat, March 14. Pet. Crs. David Graham Douglas and William Saunders Douglas, of Southampton, linen-draper.

WARD William Page, of Liverpool, in the county of Lancaster, grocer, *d. c.*—Official assignee, Turner.—Sols. Holme & Co. New Inn, and Booker, Liverpool. Fiat, March 5. Pet. Cr. John Ward, senior, of Whitehaven, Cumberland, cabinet-maker and upholsterer.

CERTIFICATES to be allowed April 9.

Bourne James, of Norton in the Moors, printer.
Butcher George, of Holborn-hill, china-dealer.
Cox William, of Daventry, money-scrivener.
Dunnett William, of Manchester, commission-agent.
Jones Thomas William, of Wellington, draper.
Mills William, of Birmingham, upholsterer.
Port Henry, of Burton-upon-Trent, screw-manufacturer.
Scott Archibald, of Cambridge-street, Golden-square, auctioneer.
Swann John, of Thornton, bricklayer, (partner with James Kelly).
Turner James, of Grange-place, Hoxton, cabinet-maker.
Whipple John, of Crown-street, Finsbury, stay-manufacturer.
Wood William, of Burton-upon-Trent, screw-manufacturer.

DIVIDENDS.

Date of Fiat.
1841, **HASKAYNE** William, of Liverpool, Lancashire, ship-chandler; fur. div.
1843, **JONES** Henry Bourne, of Birkenhead, Cheshire, plumber and glazier and paper-hanger; div.
1843, **PETERS** Frederick, of Manchester, Lancashire, wine and spirit-merchant; div.
1842, **RALEIGH** Thomas, Thomas Smith Goode, and William Holland, of Manchester, Lancashire, merchants; first joint div. of Raleigh and Goode, and first sep. div. of Raleigh.
1842, **STUART** James, of Liverpool, Lancashire, draper and tea-dealer; div.
1843, **THOMAS** David, late of Newport, Monmouthshire, grocer, tallow-chandler, and shopkeeper; div.
1840, **WEATHERBY** Edward, of Newmarket, Cambridgeshire, James Hilton Lord, of Bodlondet, Carnarvonshire, William Legh Hilton, of Holywell, Flintshire, Richard Addison, of Preston, Lancashire, and Robert Gibson, of Bolton le-Sands, Lancashire, cotton-spinners and bankers, carrying on business together as surviving partners of John Douglas, deceased, as cotton-spinners at Manchester, Lancashire, and at Holywell, Flintshire, under the style or firm of the Holywell Company, and as bankers at Holywell, under the style or firm of Douglas, Smalley, & Co.; final joint div., and final sep. div. of Weatherby.
1844, **WEBB** William, of Leamington, Warwickshire, hotel-keeper; div.

Gazette, Friday, March 22.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

CHAPMAN William, of No. 22, York-place, New-road, in the parish of St. Marylebone, in the county of Middlesex, surgeon, apothecary, druggist, vender of medicines, *d. c.*—Official assignee, Alsager.—Sols. Rickards & Walker, Lincoln's Inn-fields. Fiat, March 18. Pet. Cr. George Bowness Carr, of Lawrence Pountney-hill, merchant.

CLARK Theodore Frederick, of Scotland-road, Liverpool, in the county of Lancaster, *d. c.*—Official assignee, Hobson.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, March 7. Pet. Cr. Thomas Smith, of Manchester, linen-merchant.

COWEN John, of Penrith, in the county of Cumberland, linen and woollen draper, laceman, hosier, *d. c.*—Official assignee, Wakley.—Sols. Mawson, Manchester, and Cram, Newcastle. Fiat, Feb. 27. Pet. Cr. Richard Nichols, of Manchester, merchant.

FORD Frederick, and Frederick Riley Brocklehurst, of Bow-lane, in the city of London, wholesale stationers and cloth-manufacturers, and copartners, *d. c.*—Official assignee, Groom.—Sol. Jones, Sisle-lane. Fiat, March 12. Pet. Cr. William Atkinson, of Lamb's passage, Chiswell-street, dyer.

GUNDY Jonathan, of High-street, Hampstead, in the county of Middlesex, shoe-maker, *d. c.*—Official assignee, Graham.—Sols. Pain & Co. Great Marlborough-street. Fiat, March 16. Pet. Cr. James Smith, of High-street, Hampstead, builder.

HEMSWORTH Henry William, of Primrose-street, Bishopgate-street, wine-merchant, *d. c.*—Official assignee, Lackington.—Sol. Pain & Co. Great Marlborough-street. Fiat, March 16. Pet. Cr. Isaiah Tibbs, of Great Tower-street, wine-merchant.

HEWITT Henry Stephenson, of the Adelphi Hotel, in Manchester, in the county of Lancaster, licensed victualler, *d. c.*—Official assignee, Hobson.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, March 19. Pet. Cr. William McClure, of West Houghton, near Bolton-le-Moors, gent.

HODGSON Thomas, of Greetta Bank, in the parish of Thornton-in-Lonsdale, in the county of York, brick-maker, lime-burner, and land-surveyor, *d. c.*—Official assignee, Young.—Sols. Jaques & Co. Ely-place, and Sykes, Leeds. Fiat, March 18. Pet. Cr. John Armistead, of Leeds, morocco-leather manufacturer.

HURST Robert, of Newcastle-upon-Tyne, draper, *d. c.*—Official assignee, Wakley.—Sols. Williamson & Hill, Gray's Inn, and Ingledew, Newcastle. Fiat, March 14. Pet. Cr. Thomas Potts, of Newcastle, draper.

MEWS John, of Langley-place, Commercial-road East, in the county of Middlesex, hard confectioner, *d. c.*—Official assignee, Edwards.—Sol. Todd, Thavies' Inn. Fiat, March 16. Pet. Cr. John Hampden Crutch, of St. John-street-road, grocer.

ROGERS Ebenezer, of Newport, in the county of Monmouth, fire-brick manufacturer and merchant.—Official assignee, Kynaston.—Sols. A'Becket & Co. Golden-square, and Hope, Newport. Fiat, March 15. Pet. Crs. William A'Becket, Thomas Turner A'Becket, and Joseph Dyer Simpson, of Golden-square, solicitors.

SHILLITO Thomas, of Leeds, in the county of York, chemist and druggist, *d. c.*—Official assignee, Fearne.—Sol. Wood, Leeds. Fiat, March 16. Pet. Cr. George Shillito, of Knottingley, Yorkshire, currier.

WILKINSON George, and Joseph Wilkinson, of Bishop Auckland, in the county of Durham, carriers and partners, *d. c.*—Official assignee, Baker.—Sols. Bell & Co. Bow-churchyard, and Seymour, Newcastle. Fiat, March 11. Pet. Cr. Henry Angus, of Newcastle-upon-Tyne, tanner.

CERTIFICATES to be allowed April 12.

Brain Ephraim, of Rodney-street, Pentonville, plate printer. Donelly John, late of Newry, but now of Liverpool, merchant. **Fernandes** Joze Luis, of Wakefield, corn-miller, (partner with Nowell Luis Fernandes and Joze Luis Fernandes, jun.) **Fuller** John Henry, of Flixton, logwood grinder, and of Manchester, fustian-manufacturer.

Nicholson Donald, of Liverpool, hatter. **Slesinger** Henry, and **Joseph Slesinger**, of Cateaton-street, ware-housemen and importers of toys. **Woodruff** James Leonard, of Great Missenden, innkeeper.

DIVIDENDS.

Date of Fiat.

1843, **BARKER** Samuel, of Pain's-lane, in Wrockwardine, Salop, mercer, draper and grocer; div.

1840, **BIDDULPH** Anthony George Wright, John Wright, Henry Robinson, and Edmund William Jerningham, all now or late of No. 6, Henrietta-street, St. Paul, Covent-garden, Middlesex, bankers, carrying on the trade or business of bankers together at No. 6, Henrietta-street, under the firm of Wright & Co.; fur. joint div.

1833, **FLITCROFT** Seth, and Thomas Musgrove, of Liverpool, Lancashire, grate-manufacturers, iron-founders; final joint div.

1826, **HARROP** Joseph, of Grasscroft, in Saddleworth, Yorkshire, clothier, trading under the firm of James Harrop & Son; final div.

1831, **HUDSON** William, late of the ship Orelia, master-mariner; div.

1842, **JOHNSON** William, of Shrewsbury, Salop, leather-dealer; div.

1841, **PRICE** William Birch, and John Edwards, of Shrewsbury, Salop, bankers; sep. div. of Price, and joint div.

Gazette, Tuesday, March 26.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ANDREW Thomas, of Little Earl-street, Seven-dials, in the county of Middlesex, victualler.—Official assignee, Graham.—Sol. Ware, Blackman-street. Fiat, March 21. Pet. Crs. Algernon Perkins, Charles Barclay, Arthur Kitt Perkins, Frederick Perkins, Henry Bevan, Charles James Bevan, Hudson Gurney, and Hedworth David Barclay, of Park-street, Southwark, brewers.

BETTISON Samuel, of Leamington Priory, in the county of Warwick, wine and spirit merchant, *d. c.*—Official assignee, Valpy.—Sols. Tibbits, Warwick, and White & Co. Bedford-row. Fiat, March 19. Pet. Cr. Henry Hyde, of Stratford-upon-Avon, yeoman.

ECKERSLEY Isaac, of Liverpool, in the county of Lancaster, victualler, *d. c.*—Official assignee, Casenove.—Sols. Cornthwaite & Adams, Dean's-court, Doctors'-commons, and Cornthwaite, Liverpool. Fiat, March 19. Pet. Crs. James Sykes and Richard Cardwell Gardener, of Liverpool, spirit-merchants.

HITCHCOCK Robert, of Taunton, in the county of Somerset, miller, *d. c.*—Official assignee, Hernaman.—Sols. Terrell, Exeter, Bailey & Co. Berners-street, London, and Coles, Taunton. Fiat, March 21. Pet. Cr. Joseph Hitchcock, of Taunton, chemist and druggist.

KELSON William Golightly, of Canterbury, in the county of Kent, builder, *d. c.*—Official assignee, Turquand.—Sol. Kirk, Symond's Inn. Fiat, March 19. Pet. Cr. Henry Bird, of Canterbury, auctioneer.

LEVY Edward, of Oxford-street, in the county of Middlesex, and Augustus Samuel Levy, of Botolph-lane, in the city of London, fruit-merchants, heretofore carrying on business in copartnership at Liverpool, in the county of Lancaster, as fruit-merchants, *d. c.*—Official assignee, Green.—Sols. Brown & Martin, Mincing-lane. Fiat, March 21. Pet. Cr. Henry Levy Keeling, David Levy, Lewis Levy, and John Levy, of Monument-yard, fruit-merchants.

LOTT William, of Ipswich, in the county of Suffolk, grocer and tea-dealer, *d. c.*—Official assignee, Green.—Sols. Bell & Co. Bow-churchyard. Fiat, March 13. Pet. Crs. John Bradley Shuttleworth and Samuel Shuttleworth, of Eastcheap, tea-dealers.

MOUNTAIN Benjamin, of Derby, in the county of Derby, wine-merchant.—Official assignee, Whitmore.—Sols. Barker & Co. Mark-lane, and Spurrier & Chaplin, Birmingham. Fiat, March 11. Pet. Crs. John Allnutt, sen. and jun., and James Arbous, of No. 50, Mark-lane, wine-merchants.

RIDGWAY Joseph, of the city of Chester, fringe and coach-lace manufacturer, *d. c.*, carrying on business under the firm of Joseph Ridgway & Son.—Official assignee, Morgan.—Sols. Barker, Manchester, and Fisher & Co. Aldersgate-street. Fiat, March 14. Pet. Cr. Nathaniel Barker, of Manchester, small-ware manufacturer.

WEBSTER Robert, of Oxford-market, in the county of Middlesex, victualler.—Official assignee, Pennell.—Sol. Ware, Blackman-street. Fiat, March 21. Pet. Crs. Algernon Perkins, Charles Barclay, Arthur Kitt Perkins, Frederick Perkins, Henry Bevan, Charles James Bevan, Hudson Gurney, and Hedworth David Barclay of Park-street, Southwark, brewers.

WILDEY John, the younger, of the town and county of the town of Nottingham, upholsterer and auctioneer.—Official assignee, Bittleston.—Sols. Lees, Nottingham, and Motteram & Giddey, Birmingham. Fiat, March 20. Pet. Crs. John Wildey, of Sutton Bonnington, Notts, victualler, and William Fearn, of Nottingham, boot and shoe maker.

WILLIAMS Jeremiah, of Newton, in the county of Montgomery, flannel-manufacturer, *d. c.*—Official assignee, Bird.—Sols. Sargent, Norfolk-street, Strand, Owens, Newtown, and Hughes, Llanidloes. Fiat, March 20. Pet. Cr. John Owens, of Newtown, Montgomeryshire, gent.

CERTIFICATES to be allowed April 16.

Allen Andrew, and William Allen, of South Shields, drapers.
Ashton James, of Liverpool, manufacturing chemist.
Easthope William, of Shrewsbury, whitesmith.
Evershed Richard, of Pulborough, timber-merchant.
Havelock William, of South Shields, corver.
Leeder Cullum Dade, of Billingham, cattle-dealer.
Mitchell George, of Bury-street, Westminster, tailor.
Nixon Henry James, of Great Portland-street, upholsterer.

DIVIDENDS.

Date of Fiat.

- 1843, **BOURNE** Henry, now of Wolsingham, Durham, scrivener, and late of Wigton, Cumberland, brewer; div.
- 1841, **COOPER** Edward, Edward Peter Cooper, Benjamin Cooper, and John Cooper, all of Taverton Mills, Trowbridge, Wiltshire, clothiers; joint div., and sep. div. of Cooper.
- 1837, **CURTIS** Thomas, of Totton-street, Stepney, Middlesex, shipping butcher; final div.
- 1843, **GRAVES** Rayner, of Edwards-street, Portman-square, Middlesex, saddler; div.
- 1842, **HILTON** Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; first joint div., and sep. div. of Walsh.
- 1842, **HILTON** Henry, of Over Darwen, Lancashire, bleacher and finisher, and coal-merchant; first joint and sep. divs.
- 1837, **HUMBERSTON** Charles, and Samuel Frodsham, of Liverpool, Lancashire, commission-merchants, carrying on business at Ramsay, in the Isle of Man, as ship-builders, under the firm of Charles Humberston & Co.; second div.
- 1842, **KNOWLES** George Talbot, of Stockport, Cheshire, and of Manchester, Lancashire, cotton-spinner and manufacturer; sep. div.
- 1836, **MIDDLETON** John, of Bread-street, London, warehouseman; div.
- 1841, **MILL** Jacob, of Crosby Hall Chambers, Bishopsgate-street Within, London, merchant; div.
- 1843, **MORRIS** Thomas, of Badajos Cottages, and Salamanca-square, Hertford-road, and Mortamer-road, De Beauvoir-square, Hackney, Middlesex, builder; div.
- 1843, **NICHOLSON** Donald, of Castle-street, Liverpool, Lancashire, hatter; first div.
- 1841, **PIDGEON** Orlando, of Shrewsbury, Salop, tobaccoist; div.
- 1843, **ROBINSON** Christopher, of Great Trinity-lane, London, oil and colour merchant and dyalsaler, trading under the firm of Christopher Robinson & Co.; div.
- 1844, **SOUTHGATE** Henry, and William Millar Robertson, of No. 22, Fleet-street, London, auctioneers; joint div.
- 1840, **TEMPLETON** Thomas, and Archibald Templeton, both of Congleton, Cheshire, silk-manufacturers; fur. div.

Gazette, Friday, March 29.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BALLS James, of Holloway-road, Islington, in the county of Middlesex, livery-stable keeper and job-master, *d. c.*—Official assignee, Belcher.—Sol. Paterson, Old Broad-street. Fiat, March 27. Pet. Cr. Elizabeth Harding, of Queen's-road, Dalston, widow.

BECKITT William, of Doncaster, in the county of York, money-scrivener, *d. c.*—Official assignee, Hope.—Sols. Taylor, John-street, Bedford-row, Badger, Rotherham, and Blackburn, Leeds. Fiat, March 23. Pet. Cr. Thomas Hepworth, of Barnbrough, Yorkshire, gent., but now of Doncaster, executor of Thomas Hepworth, deceased.

CAVE George, and Richard Cave, of Banbury, in the county of Oxford, drapers, *d. c.* and copartners.—Official assignee, Belcher.—Sols. Reed & Shaw, Friday-street. Fiat, March 14. Pet. Crs. Jonathan Crocker and Albert John Crocker, of Friday-street, warehousemen.

DEANE Charles, of the town of Southampton, coach-builder, *d. c.*—Official assignee, Lackington.—Sols. Walker & Co. Southampton-street, and Deacon & Long, Southampton. Fiat, March 23. Pet. Cr. Abraham Abraham, of Southampton, silversmith.

PEATEN John, of Paddington-street, St. Marylebone, in the county of Middlesex, ironmonger.—Official assignee, Edwards.—Sol. Smith, Barnard's Inn. Fiat, March 22. Pet. Crs. Jeremiah Wynn, Sylvanus Earp, and Henry Smith Earp, of Wolverhampton, ironmongers.

SMITH Thomas, and James Osborne, both of Redcross-street, Southwark, in the county of Surrey, builders, traders, *d. c.* and copartners in trade.—Official assignee, Follett.—Sols. Dods & Co. Leadenhall-street, and St. Martin's-lane. Fiat, March 19. Pet. Crs. John Barclay, Benjamin Hill, and Robert Ewart, of Jeffery's-square, slate-merchants.

WRIGHT Herbert Hancox, of Hatton Grange, in the parish of Shiffnal, in the county of Salop, cattle-dealer, *d. c.*—Official assignee, Whitmore.—Sol. Barnett, Walsall. Fiat, March 25. Pet. Cr. Samuel Bayley, of Wednesbury, Staffordshire, cattle-dealer.

CERTIFICATES to be allowed April 19.

Bell Joseph, of Greensfield, ship-owner.
Courtenay Francis Burdett, of Great Marlborough-street, bookseller and surgeon.
Holmes James Archibald, of New Broad-street, merchant.
Kimber Thomas, of North Cerney, farmer.
Vine Thomas Walter, of Peerless-row, City-road, carpenter.

DIVIDENDS.

Date of Fiat.

- 1844, **BERRIDGE** Thomas, of Manchester, Lancashire, tobaccoist; first div.
- 1843, **BOWMAN** Jonathan, of Carlisle, Cumberland, woollen-draper and hatter; final div.
- 1826, **HOBBSON** Thomas, of Carlisle, Cumberland, mercer and draper; final div.
- 1840, **MARTIN** Samuel, of Shoreditch, Middlesex, grocer; div.
- 1843, **MURRAY** John, and William Brown, both of Liverpool, Lancashire, millwrights, engineers, and iron-founders; div.
- 1843, **OLIVER** John, and John York, of Stony Stratford, Buckinghamshire, bankers, and which said John York is now residing at Brighton, Sussex; sep. div. of York.
- 1844, **RODHAM** Thomas, of Newcastle-upon-Tyne, grocer, ale and porter merchant; div.
- 1843, **ROWLANDS** David, of Pwllheli, Carnarvonshire, dealer in wines, ales, spirits, and porter, and also watch-maker; div.
- 1843, **ROWLEY** Thomas Edward, of No. 261, Oxford-street, Middlesex, draper; div.
- 1844, **WALTON** George, of Stockton-on-Tees, Durham, wine and spirit merchant; div.

Date of Fiat.

1840, WHITEHEAD George, of No. 76, Fleet-street, London, printer, and of No. 2, Boyle-street, Burlington-gardens, Middlesex, scrivener; div.

1843, WOOD Henry, of No. 186, Fleet-street, London, bookseller and publisher; div.

Gazette, Tuesday, April 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BALL Samuel, of London-road, Liverpool, in the county of Lancaster, chemist and druggist, *d. c.*—Official assignee, Bird.—Sols. Milne & Co. Temple, and Hore, Liverpool. Fiat, March 27. Pet. Cr. Ann Postlewaite, of Speke, near Liverpool, widow.

BALL William, of No. 18, Goodge-street, Tottenham-court-road, in the county of Middlesex, cabinet-maker, *d. c.*—Official assignee, Turquand.—Sols. Venning & Co. Tokenhouse-house-yard. Fiat, March 28. Pet. Cr. James Esdaile, of the City-road, machine sawyer.

BRADSHAW James, (trading under the style or firm of Bradshaw, Brothers), of No. 3, Marylebone-street, in the county of Middlesex, woollen-draper, *d. c.*—Official assignee, Pennell.—Sol. Moseley, Bedford-street, Covent-garden. Fiat, March 29. Pet. Cr. Cyrus Jay, of Serjeants' Inn, Fleet-street, gent.

BROWN William, of Wapping, in the county of Middlesex, victualler, *d. c.*—Official assignee, Turquand.—Sols. Shoubridge & Co. Bedford-row. Fiat, March 22. Pet. Crs. William Harman and Michael Pearson, of Redcross-street, distillers.

CHRISTOPHERS Joseph Steer, of East India Chambers, Leadenhall-street, in the city of London, merchant.—Official assignee, Belcher.—Sol. Gray, Great Tower-street. Fiat, March 13. Pet. Crs. Thomas Quild Fumes and John Philip Fisher, of Great Tower-street, grocers.

GAME James, of Long Melford, in the county of Suffolk, corn-dealer, maltster, *d. c.*—Official assignee, Whitmore.—Sols. Amorey & Co. Throgmorton-street, and Sewell, Halstead. Fiat, March 27. Pet. Cr. John Smith, of Boxted, Suffolk, farmer.

GARNETT James Francis, of Wellington-street, and of No. 163, Tooley-street, in the borough of Southwark, in the county of Surrey, hatter, *d. c.*—Official assignee, Graham.—Sols. Shearman & Co. Great Tower-street. Fiat, March 29. Pet. Crs. Charles Brown Horner and John Reid, of Spital-square, silk-plush manufacturers.

GIBSON Edward, of Kendal, in the county of Westmorland, builder, and of Dolwyddelan, in the county of Carnarvon, slate-merchant, *d. c.*—Official assignee, Turner.—Sols. Allen & Co. Queen-street, Cheapside, and Wilson & Scott, Kendall. Fiat, March 16. Pet. Cr. John Maun, of Kendal, Westmoreland, Borough treasurer.

HAWKINS George, of the city of Bristol, mason, *d. c.*—Official assignee, Acraman.—Sols. Daniels & Barker, Bristol. Fiat, March 29. Pet. Cr. John Higgs, of Bristol, builder.

JOHNSON John Cottingham, of No. 3, Laurence Pountney-hill, Cannon-street, in the city of London, merchant, *d. c.*—Official assignee, Pennell.—Sols. Fyson & Curling, Frederick's-place, Old Jewry. Fiat, March 21. Pet. Crs. John Tompsett Noaks and William Noakes, of Three Crown-square, Borough, hop-merchants.

M'DONELL George, (trading under the name, style, and firm of Dillon and M'Donell) of Mincing-lane, in the city of London, wine and spirit broker, trader, *d. c.*—Official assignee, Follett.—Sols. Dods & Linklaters, Leadenhall-street, and St. Martin's-lane. Fiat, March 28. Pet. Cr. William Kislisbury, of High Holborn, wine and spirit merchant.

MULLER Frederick John Henry, now or late of Nos. 6 and 7, Adde-street, Wood-street, in the city of London, furrier, *d. c.*—Official assignee, Groom.—Sol. Teague, Crown-court, Cheapside. Fiat, March 29. Pet. Cr. Jacob David Davies, of No. 14, St. Mary Axe, furrier.

ROBINSON Thomas, of Leicester, in the county of Leicester, wine-merchant, *d. c.*—Official assignee, Christie.—Sols. Barker & Co. Mark-lane, and Spurrier & Chaplin, Birmingham. Fiat, March 23. Pet. Cr. James Arbouin, of No. 50, Mark-lane, wine-merchant.

WINSTANLEY Thomas, of Lawrence-lane, in the city of London, commission-agent and warehouseman.—Official assignee, Johnson.—Sol. Hall, Moorgate-street. Fiat, March 29. Pet. Cr. Daniel Rhodes, of Dewsbury, Yorkshire, woollen-manufacturer.

CERTIFICATES to be allowed April 23.

Angier Samuel Haynes, of Philpot-lane, bookseller.
Evans Evan, of Llangurdirne, draper.
Hazell Richard, of Ramabury, corn-dealer.

DIVIDENDS.

Date of Fiat.

1843, BASELEY Daniel, of Nos. 61 and 62, High-street, Southwark, Surrey, and of No. 38, Surrey-place, Old Kent-road, same county, cheesemonger; div.

1841, BISSCHOPP James, of Westburton, in Bury, Sussex, market-gardener; final div.

1843, BUMBAY John, of Malton, Yorkshire, hatter; final div.

1842, BURGON John Towry (trading under the name and firm of John Burgon & Son), of No. 35, Bucklersbury, London, wholesale hardwareman and dealer in flints; final div.

1843, CARTER Albinus, of Custom House Chambers, No. 78, Lower Thames-street, London, ship and insurance broker and agent; div.

1843, CHAMBERLAIN William, of Peckham, Surrey, draper; div.

1842, CRESPIN James Clarke, of No. 31, Eastcheap, London, shipping-agent and merchant; final div.

1842, FULFORD Henry, of Birmingham, Warwickshire, draper; final div.

1843, GODDARD James, and Holland Goddard, of Market Harborough, Leicestershire, bankers; final joint div., and sep. div. of Goddard.

1843, GRIFFITHS Robert, of Nine Elms, and of No. 12, Belmont-place, Vauxhall, both in Surrey, coal-merchant; div.

1843, HARFORD John, and William Weaver Davies, of Bristol, and of Ebbw Vale, and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; first joint div.

1843, HARRIS Alfred, of Chichester, Sussex, hotel-keeper and coach-proprietor; div.

1843, LAWES George, of No. 167, High-street, Southampton, tailor and draper, carrying on business there with Francis Thompson, under the style or firm of Lawes & Thompson; joint div.

1842, METCALF James, and Thomas Metcalf, of Cambridge, upholsterers and cabinet-makers; div.

1841, PATERSON William, of Chelsea, Middlesex, common brewer; final div.

1843, PHILLIPS Stephen, of Brook-street, Hanover-square, Westminster, carpet-warehouseman; final div.

1829, PHILPOTT James, of Billericay, Essex, coach-proprietor; final div.

1843, SHARPE Richard, of Chelmsford, Essex, draper; div.

1843, SMITH James, of No. 143, Hoxton Old-town, Middlesex, linen-draper; final div.

1843, SMITHSON Thomas, of York, tobacconist; final div.

1842, SPARHAM James, of Froston, Suffolk, miller and maltster; final div.

1843, TIPPLE Jasper Howes, of Wymondham, Norfolk, bomb-seeen manufacturer; div.

1841, WEST Frederick Thomas, of the Commercial Wharf, Commercial-road, Lambeth, coal-merchant; div.

1801, WIENHOLT John Birkett, late of Old Swan, London, merchant, surviving partner of Sarah Wienholt, deceased; div.

1843, WOOD William, and Henry Port, of Burton-upon-Trent, Staffordshire, screw-manufacturers; div.

Gazette, Friday, April 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BEARD Neville, of No. 6, Beech-street, Barbican, in the city of London, and also of No. 18, Charlton-street, Somers-town, in the county of Middlesex, leather-seller, *d. c.*—Official assignee, Follett. —Sol. Stenning, Staple Inn. Fiat, April 3. Pet. Cr. Henry Bacon, of Upper Russell-street, Bermondsey, tanner.

BRIGINSHAW Jefferies, of the Bell Inn, Wandsworth, in the county of Surrey, publican, *d. c.*—Official assignee, Johnson. —Sol. James, Basinghall-street. Fiat, March 26. Pet. Cr. William Frederick Hodgson, of No. 11, Cannon-street, wine-merchant.

BROWN John, of Weymouth, in the county of Dorset, tea-dealer, grocer, *d. c.*—Official assignee, Hertsel. —Sols. Hill & Matthews, Bury-court, St. Mary Axe, and Terrell, Exeter. Fiat, March 29. Pet. Cr. Owen Lewis, of Philpot-lane, London, wholesale tea-dealer.

CLIFT William Gibson, of Chapel-yard, Cross-lane, High Holborn, in the county of Middlesex, and of Ingatstone, in the county of Essex, coach-broker, *d. c.*—Official assignee, Turquand. —Sol. Jones, Mark-lane. Fiat, March 30. Pet. Cr. Mark Brown, of Potter's-fields, wharfinger.

DEVINE Michael, of Liverpool, in the county of Lancaster, grocer and provision-dealer, *d. c.*—Official assignee, Morgan. —Sols. Cornthwaite & Adams, Doctors'-commons, and Cornthwaite, Liverpool. Fiat, March 29. Pet. Cr. William Gardner, of Liverpool, provision-merchant.

HODSON Thomas Collins, of Leominster, in the county of Hereford, linen-draper, *d. c.*—Official assignee, Christie. —Sols. Lloyd, Milk-street, and Bartlett, Birmingham. Fiat, March 15. Pet. Crs. Thomas Theakstone Woodhouse and Henry Woodhouse, of Aldermanbury, warehousemen.

KING James, junior, of No. 22, Budge-row, in the city of London, wholesale tea and coffee dealer, *d. c.*—Official assignee, Whitmore. —Sols. Dawes & Sons, Angel-court. Fiat, April 3. Pet. Cr. James King, of the Stock Exchange, gentleman.

LAWRENCE George Henry Darby, at present residing at Hornsey, in the county of Middlesex, late of Zante, merchant, carrying on business there in partnership with Benjamin Lawrence, under the style or firm of Lawrence, Sons & Co. —Official assignee, Johnson. —Sols. Blunt & Co. Lothbury. Fiat, April 1. Pet. Crs. William Peter M'Andrew and Robert M'Andrew.

EGLER Francis John, of Duke-street, Reading, in the county of Berks, woollen-draper, *d. c.*—Official assignee, Whitmore. —Sols. Wood & Fraser, Dean-street, Soho. Fiat, March 27. Pet. Crs. William Sidney Wheeler, Edward Tewart, jun., John Preston Tewart, and Robert Tewart, of Ludgate-hill, warehousemen.

HILLIPS Philip, formerly of the Duke's Arms and Bower Saloon, Stangate, in the parish of St. Mary, Lambeth, in the county of Surrey, licensed victualler, but now of No. 25, Southampton-street, in the parish of St. Paul, Covent-garden, in the county of Middlesex, print-seller, *d. c.*—Official assignee, Alsager. —Sol. Foord, Finner's Hall. Fiat, April 2. Pet. Cr. Seymour Toulson, of Cooper's-row, Tower-hill, hop-merchant.

AGE Alfred John, of No. 71, High-street, Whitechapel, in the county of Middlesex, chemist and druggist. —Official assignee, Green. —Sols. Rawlings, Crosby Hall Chambers, and Romford. Fiat, April 3. Pet. Cr. Frederick James Park, of Fish-street-hill, ironmonger.

CERTIFICATES to be allowed April 26.

ford Thomas, of Harrow-road, victualler.

ntley Thomas, of Rawden, cloth-manufacturer.

nnage William, and Isaac Dunnage, of Tooley-street, plumbers.

ard Thomas Oldfield, and Henry Bingham, of Sheffield, merchants.

rr Thomas, of Liverpool, plumber.

ryman Joseph Henry, of Birmingham, bookseller.

e George, of Bishopsgate-street, wine-merchant, (partner with Wil-

ame James Bernard Staunton).

ebb Charles, of Oxford, apothecary.

DIVIDENDS.

Date of Fiat.

1843, **BARRY** Frederick, of Rye, Sussex, miller and corn-factor; div.

1842, **BUTLER** Samuel, William Butler, and James Butler, all of Birmingham, Warwickshire, iron-founders; divs.

1842, **FLETCHER** William, of Birmingham, Warwickshire, oil and colourman; final div.

1842, **GOUGER** Henry, of Great Winchester-street, London, merchant, as a trader indebted together with David Hunter, of the same place; joint div., and sep. div. of Gouger.

1843, **HARFORD** John, and William Weaver Davies, of Bristol, and of Ebbw Vale and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; joint div.

1843, **JUDD** James, and William Judd, of Romsey, Southampton, mealmen; sep. div. of William Judd.

1844, **LEECH** John, of Newcastle-upon-Tyne, ironmonger; div.

1843, **OVERINGTON** John, of Arundel, Sussex, plumber and glazier; div.

1844, **TURNER** James, of Honduras House, Grange-place, Hoxton, Middlesex, cabinet-maker and upholsterer; div.

1844, **WILSON** Joseph, of Newcastle-upon-Tyne, linen-manufacturer, draper and hosier; div.

1843, **WOOD** Thomas Hall, of Penton-street, Pentonville, Middlesex, draper; div.

Gazette, Tuesday, April 9.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

PEARCE Thomas, of Meaford, in the parish of Stone, in the county of Stafford, miller, *d. c.*—Official assignee, Valpy. —Sol. Wood, Burslem. Fiat, March 26. Pet. Cr. William Sherratt Cope, of Norton-in-the-Moors, Staffordshire, iron-founder.

POWELL John, the younger, of the Quadrant, in the parish of Saint James, in the county of Middlesex, and also now or late of Birmingham, in the county of Warwick, lodging-house keeper and scrivener, *d. c.*—Sol. Smith, Bedford-row. Fiat, April 4. Pet. Cr. John Powell, of Birmingham, cabinet-maker.

PROCTER Nenian, of Meanwood, in the parish of Leeds, in the county of York, tanner and leather-seller, *d. c.*—Official assignee, Fearn. —Sol. Bond, Leeds. Fiat, April 4. Pet. Cr. Thomas Charlesworth, of Leeds, esquire, on behalf of the Leeds Banking Company.

WALKER Thomas, and John Walker, of York-road, Lambeth, in the county of Surrey, upholsterers and cabinet-makers, *d. c.*, and partners in trade. —Official assignee, Edwards. —Sol. Rush, Austinfriars. Fiat, April 4. Pet. Crs. John and William Kynaston, of Cateaton-street, warehousemen.

CERTIFICATE to be allowed April 30.

Clegg Thomas, of Wigan, iron-founder.

DIVIDENDS.

Date of Fiat.

1816, **AUSTEN** Henry Thomas, Henry Maunde, and James Tilson, of Henrietta-street, Covent-garden, Middlesex, bankers; final joint div.

1843, **DANKS** Samuel, of Wednesbury, Staffordshire, screw and nail manufacturer; div.

1827, **DARWIN** John, and Francis Frith, of Chapel-town, in Ecclesfield, and of Sheffield, both in Yorkshire, iron-founders; final div.

1837, **DOWS** James, of Ham Mills, in Thatcham, Berkshire, miller and seedsman; final div.

1843, **EARDLEY** Edward, of Exeter, china-dealer; final div.

1843, **FLINT** James, of Lewes, Sussex, linen-draper; div.

1835, **HANCOCK** Ebenezer, of Sheffield, Yorkshire, hackneyman; final div.

Date of Fiat.

- 1844, **SMITH** Noel Thomas, the younger, of Lime-street, London, ship-owner, carrying on business under the firm of Noel Thomas Smith & Company; div.
- 1844, **WESTREN** Thomas, of Brushford Mills, in Brushford, Devonshire, maltster, miller, and brewer; div.
- 1834, **WOOSTER** Thomas, and Thomas Wooster, the younger, of the Coal Exchange, London, coal-factors; joint div.

Gazette, Friday, April 12.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CLACK** Charles, of No. 40, Beech-street, Barbican, in the city of London, haberdasher, trimming-seller, d. c.—Official assignee, Pennell.—Sol. James, Basinghall-street. Fiat, April 4. Pet. Cr. William Allen Turner and James Paterson, of Star-court, Bread-street, warehousemen.
- PALMER** Frederick William, of No. 38, Mincing-lane, in the city of London, colonial broker, d. c.—Official assignee, Green.—Sols. Shearman & Slater, Great Tower-street. Fiat, Apr. 11. Pet. Crs. John Hooper and Henry Ray, of Old Trinity House, Water-lane, tea-dealers.
- SAUNDERS** Susan, of No. 6, Golden-square, in the parish of St. James, in the city of Westminster, board and lodging-house keeper, d. c.—Official assignee, Graham.—Sol. Cheere, Temple. Fiat, April 10. Pet. Cr. Robert Van Giekin, of Hercules-passage, merchant.
- CERTIFICATES to be allowed May 3.**
- Carpenter William, of Southampton, stationer.
- Dyer John William, of Colchester, plumber.
- Hancock Thomas, of Canterbury, coach-smith.
- Megarey Thomas, of Love-lane, Billingsgate, coal-merchant.
- Redshaw Thomas, of Bourn, saddler.
- Rushton John, jun. of Nottingham, livery-stable keeper.
- Seccombe Gregory, and Samuel Seccombe, of Tavistock and Bude, tailors and drapers.
- Webb William, of Leamington, hotel-keeper.

DIVIDENDS.

Date of Fiat.

- 1841, **BENTALL** Henry, of No. 18, Cecil-street, Strand, Middlesex, coal-merchant and wine-merchant; div.
- 1842, **BOGGS** Gardner, William Taylor, and William Shand, the younger, of Great Winchester-street, London, merchants, the said Gardner Boggs also carrying on business as a merchant, in Liverpool, Lancashire, and the said William Shand also carrying on business as a merchant, with William Bruce, William Patrick, Joseph Webb Cragge, William Urquhart, and Hugh Morton Shand, of Calcutta, in the East Indies, under the firm of Bruce, Shand & Co.; sep. div. of Taylor.
- 1842, **HESLEWOOD** William, Robert Heslewood, and John Skitt, of Kingston-upon-Hull, and of Red Lion Wharf, in or near Thames-street, London, white lead manufacturers and oil and colour merchants; first div. of Heslewood, Brothers, and first and final sep. div. of R. Heslewood & Skitt.
- 1838, **JAMIESON** Alexander, of Wyke House, Sion-lane, Isleworth, Middlesex, bookseller and publisher; div.
- 1844, **PIGGOTT** James, the younger, of Richmond, Surrey, cabinet-maker and upholsterer; div.
- 1840, **PRIOR** Henry, of Sise-lane, London, stationer and wine-merchant; div.
- 1825, **WORTHINGTON** Isaac, of Manchester, Lancashire, draper; div.

Gazette, Tuesday, April 16.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CROSS** Richard, of No. 24, Jermyn-street, in the parish of St. James, Westminster, in the county of Middlesex, saddler and harness-maker, and now a prisoner in the Queen's prison, in the county of Surrey.—Official assignee, Edwards.—Sol. Wells, George-street,

Mansion-house. Fiat, April 15. Pet. Cr. Thomas Livezey Crompton, of Prestolee, near Bolton-le-Moors, paper-agent.

METCALF James, of Liverpool, in the county of Lancaster, grocer and provision dealer.—Official assignee, Casenove.—Sols. Toulmin, Liverpool, and Norris & Co. Bartlett's-buildings. Fiat, April 11. Pet. Cr. Robert Moore, of Liverpool, provision-dealer.

NALL John, of Chesterfield, in the county of Derby, grocer.—Official assignee, Stanway.—Sols. Wilson, Manchester, and Vickery, Lincoln's Inn-fields. Fiat, April 4. Pet. Crs. James Robinson and John Edward Broadhurst, of Chesterfield, bankers.

QUINN James, of Liverpool, in the county of Lancaster, painter, plumber, and glazier.—Official assignee, Turner.—Sols. Bridger & Blake, Finsbury-circus, Dodge, Liverpool, and Hime, Liverpool. Fiat, April 10. Pet. Cr. John Calvert, of Liverpool, flag-merchant.

THORPE Henry, of Kensington, in the county of Middlesex, linen-draper.—Official assignee, Groom.—Sols. Messrs. Sole, Aldermanbury. Fiat, April 10. Pet. Crs. Andrew Beater and James Carter, of Aldermanbury, warehousemen.

WATSON Thomas, of the Saracen's Head, Camomile-street, Bishopsgate-street, in the city of London, victualler, d. c.—Official assignee, Pennell.—Sols. Fry & Co. Cheapside. Fiat, April 15. Pet. Crs. Alfred Head, and Nicholas, Edward, Charles, and Spencer Clarington, of Mile-end-road, brewers.

CERTIFICATES to be allowed May 7.

- Balls Thomas, of Thames-street, iron-merchant.
- Berridge Thomas, of Manchester, tobacconist.
- Davis Daniel, of Newington-causeway, earthenware-dealer.
- Hardley John, of Newport, miller.
- Hyde George William, of Nottingham, dyer.
- Lamont Duncan, of West Smithfield, dealer in foreign wines.
- Parsonage Isaac, of Birmingham, paper-hanger.
- Phillott Robert, of Blagdon, scrivener.
- Robinson James, of Nottingham, wharfinger.
- Tebay Richard, of Winchester, plumber.
- Tisoe Henry, of Hertford, carpenter.
- Williams John Bish, of Regent-street, stationer.

DIVIDENDS.

Date of Fiat.

- 1843, **BUNKER** James Eber, of No. 25, Dempsey-street, Commercial-road East, chronometer, watch, and clock maker; div.
- 1840, **COATES** John, of Manchester, Lancashire, merchant and dry-salter; second and final div.
- 1843, **DAVIS** John Philippe, now or late of No. 59, Davies-street, Berkeley-square, Middlesex, apothecary and surgeon; *fin. div.*
- 1839, **EWAN** James Atkinson, of No. 6, Fishergate-street, Preston, Lancashire, linen-draper and silk-mercer; second and final div.
- 1842, **FOWELL** Francis Kirkham, and Edmund Thomas Cranford, of Boulogne-sur-Mer, in France, and No. 191, Piccadilly, Middlesex, wine-merchants; joint and sep. divs.
- 1844, **HARDLEY** John, of West-street, Newport, Isle of Wight, Hants, miller; div.
- 1843, **HEATHORN** Joseph Lidwell, of No. 3, Abchurch-lane, London, ship-owner, as a trader indebted together with Henry Heathorn, Samuel Magnus, John Taite, Abraham Hort, Henry Blundell, Joseph Blundell, Solomon Cohen, Israel Isaac, Abraham Harris, Leopold Neumeier, George Dixon Longstaff, and George Alfred Muskett, since deceased; div.
- 1842, **HOARE** William, late of Derby, but now of Alstonfield, Staffordshire, apothecary; div.
- 1843, **HUGHES** Henry, and William Hunter, of St. Leonards-sea, Sussex, builders; final div.
- 1842, **KNAPTON** James, and William McKay, both of Messingham, in Bradford, Yorkshire, stuff-manufacturers, carrying on trade under the firm of James Knapton & Co.; first and final joint and sep. divs.
- 1811, **LEE** James, John Scott Martineau, and James Wilkinson, of Bread-street, London, factors; div.
- 1841, **LODER** John David, of Milsom-street, Bath, music and musical instrument seller; div.
- 1844, **MINISTER** Edward, of No. 8, Argyll-place, Regent-street, Middlesex, tailor; div.

Date of Fiat.

- 1841, **MOBBS** George, of Newland, Northamptonshire, plumber, painter, and glazier; div.
- 1841, **MOUNTFORD** Edward, and Frederick Mountford, of Bath, drapers; fur. joint div.
- 1843, **MUSGRAVE** Samuel, and Benjamin Musgrave, of Leeds, Yorkshire, dyers, trading under the style or firm of Samuel Musgrave & Sons; second and final joint and sep. divs.
- 1843, **PARKES** Zachariah, and Robert Henderson, of Duke-street, Lincoln's Inn-fields, Middlesex, and of Ventnor, Isle of Wight, Southampton, carpenters and builders; div.
- 1841, **POTTER** Richard, late of Gilsborne Park, Yorkshire, but now of Birkacre, near Chorley, and of Manchester, both in Lancashire, John Potter, of Manchester, and James Potter, of Manchester, cotton-spinners and manufacturers, trading at Manchester under the firm of J. & J. Potter; first joint div.
- 1843, **SCOTT** Charles, of Constantine, Cornwall, scrivener; final div.
- 1842, **SHUTE** Francis, and Stephen Shute, both of Crediton, Devonshire, woollen-manufacturers, and which said commission, by force of the statute in that behalf made and provided, and by virtue of an order of the Lord High Chancellor, under his hand duly made in pursuance of the same statute, has been transferred and removed into this Court; div.
- 1840, **SMITH** Thomas, of Gloucester, money-scrivener, and James Henry Dowling, of the same city, money-scrivener; sep. div. of T. Smith.
- 1843, **STIRTON** John Andrew, of No. 15, Chandos-street, Covent-garden, Middlesex, grocer and oil and colourman; div.
- 1843, **TURNER** Hewitt Fysh, of Middleton-street, Clerkenwell, Middlesex, painted-baize manufacturer; div.
- 1842, **WALKER** William, and James Gray, both of Leeds, Yorkshire, woolstaplers and cloth-manufacturers; final div.

Gazette, Friday, April 19.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

LLINSON Richard, of Whitehaven, in the county of Cumberland, ironmonger. *d. c.*—Official assignee, Wakley.—Sols. Stubbs, Furnival's Inn, Messrs. Perry, Whitehaven, and Ingledew, Newcastle. Fiat, April 10. Pet. Cr. Stanley Dodgson, of Whitehaven, gent., on behalf of the Bank of Whitehaven.

TKINS John, of Bloomsbury-street, in the parish of Aston, in the county of Warwick, beer-house keeper and custer of metals. *d. c.*—Official assignee, Whitmore.—Sols. Chaplin, Gray's Inn, and Harrison, Birmingham. Fiat, April 13. Pet. Cr. Charles Hopkins, of Yardley, maltster.

ATTYE John, of No. 8, Courtney-terrace, Kingsland, in the county of Middlesex, linen-draper. *d. c.*—Official assignee, Alsager.—Sol. Dodd, New Broad-street. Fiat, April 17. Pet. Cr. John Jeffs, of Kingsland, plumber.

REPENTER John, of Rothwell, otherwise Rowell, in the county of Northampton, surgeon and apothecary. *d. c.*—Official assignee, Graham.—Sols. Cattlin, Ely-place, and Thompson, Northampton. Fiat, April 16. Pet. Cr. James Montague Cole, of Rothwell, armist.

MENT James, and John Grimes, of the city of Bristol, plasterers and painters, copartners. *d. c.*—Official assignee, Miller.—Sols. Peters & Abbott, Bristol. Fiat, April 11. Pet. Cr. Abraham Withers, of Bristol, timber-merchant.

WLE James, of the town of Chepstow, in the county of Monmouth, wine and spirit merchant, brewer. *d. c.*—Official assignee, Craman.—Sols. Messrs. Bevan, Bristol. Fiat, April 10. Pet. Crs. John Gardiner, esq. and Samuel Woodroffe, wine-merchants, both of Chepstow.

RD John Buckley, and Michael Coghlan, now or late of Meltham, in the parish of Almondbury, in the county of York, carrying on business there in copartnership as woollen-cloth manufacturers and ribbing millers, and at Huddersfield, in the said county, as mercers.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, Floyd & Booth, Huddersfield, and Naylor, Leeds.

MALLALIEU James, of Stansfeld Lodge, in the township of Sowerby, in the parish of Halifax, in the county of York, cotton-spinner. *d. c.*—Official assignee, Young.—Sols. Gregory & Co. Bedford-row, and Wavell, Halifax. Fiat, April 11. Pet. Crs. John Mayson and William Ashbourne Mayson, of Manchester, cotton-merchants.

PAYNE William, of the town and county of Newcastle-upon-Tyne, builder. *d. c.*—Official assignee, Baker.—Sols. Crosby & Compton, Church-court, and Hodge, Newcastle. Fiat, April 13. Pet. Crs. Ralph Compton and James Crosby, of Church-court, Old Jewry, solicitors.

ROTHERY George, of Wakefield, in the county of York, currier and leather-dealer. *d. c.*—Official assignee, Young.—Sol. Dean, Batley. Fiat, April 17. Pet. Cr. Joseph Knowles, of Batley, tanner.

SLACK James, of Medlock-street, Hulme, in the parish of Manchester, in the county of Lancaster, filtering machine manufacturer. *d. c.*—Official assignee, Pott.—Sols. Nethersole, Essex-street, and Foster, Manchester. Fiat, April 17. Pet. Cr. Samuel Brindley, of Manchester, manufacturing chemist.

SYER James Joseph Iron, of No. 29, Bridge-street, Blackfriars, in the city of London, undertaker. *d. c.*—Official assignee, Follett.—Sol. Melton, Warwick-court. Fiat, April 17. Pet. Cr. William Robert Syer, of Silvan-grove, Old Kent-road, gent.

TODD Joseph, of Hartfield, in the county of Sussex, *d. c.*—Official assignee, Green.—Sols. Elmslie & Preston, Moorgate-street. Fiat, April 18. Pet. Crs. Henry George Ward, of Great Hadham, Herts, esq., Adam Duff, of Blackheath, esq., and Henry Cornford, of Richmond, esq.

WALLER Matthew, of Percy-street, Tottenham-court-road, in the county of Middlesex, and of No. 56, Ann-street, Birmingham, in the county of Warwick, patent electro-plater, gilder, and manufacturer. *d. c.*—Official assignee, Groom.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, April 11. Pet. Cr. Joseph Jarman, of Brighton, jeweller.

CERTIFICATES to be allowed May 10.

Ballard John, of Maidstone, brazier.
 Billington Samuel, of Birkenhead, woollen-draper.
 Crowther George Hackleton, of Warrington, stationer.
 Fuller William, of Cotton-street, Poplar, coal-merchant.
 Newton Hannah Maria, of Kirkburton, victualler.
 Reaveley John, of Queenhithe, commission-agent.
 Sanders Thomas, of Ramsgate, shoe-maker.
 Southgate Henry, of Fleet-street, auctioneer, (partner with William Millar Robertson).
 Turner Hewitt Fysh, of Myddleton-street, painted baize manufacturer.
 Williamson Caleb, of Regent-street, hosier.
 Wright Thomas Whyley, of Nottingham, dyer.

DIVIDENDS.

Date of Fiat.

- 1813, **ATKINSON** Joseph Robert, of Castor, Lincolnshire, wine and spirit merchant and victualler; first div.
- 1842, **BELL** Isaac, of Newcastle-upon-Tyne, earthenware-manufacturer, and John Davison, of Marton, in the North riding of Yorkshire, farmer, and of Middlesbrough, in the said riding, earthenware-manufacturer, and both trading in partnership at Newcastle-upon-Tyne, as earthenware-manufacturers; final div. of Davison.
- 1842, **BOOTH** George, of Princes-street, Lambeth, Surrey, lime-burner; div.
- 1843, **BRIDGE** George Cotton, of Maldon, Essex, grocer; div.
- 1840, **BULMAN** Job James, of Newcastle-upon-Tyne, oil-merchant and seed-crusher; final div.
- 1841, **CATON** William, of Preston, Lancashire, ironmonger; fur. div.
- 1841, **CHEETHAM** Thomas, the elder, of Stockport, Cheshire, surgeon, manufacturer of cotton-thread, and doubler of cotton-yarn; div.
- 1843, **CLARKE** Caleb, of Banbury, Oxfordshire, linen-draper and hosier; div.

Date of Fiat.

- 1843, ETOCK John, of Leeds, Yorkshire, linen-draper, lately carrying on business with Richard Theaker, under the firm of Etock & Theaker; first and final div.
- 1839, FIELD Richard, of Plummer's-row, Whitechapel, Middlesex, varnish-manufacturer; div.
- 1843, FLORANCE Edmund, the younger, of Subdeanry, Sussex, potato-dealer; div.
- 1844, GOSS John, of Devonport, Devonshire, draper; div.
- 1841, GREEN John, and William Green, of Wetherby, Yorkshire, timber-merchants; final joint div.
- 1842, KNOWLES George, of Halifax, Yorkshire, corn-dealer; first div.
- 1843, METCALF Enos, of Middlesbrough, Yorkshire, currier; first and final div.
- 1842, POORE Edward, of Bampton, Devonshire, druggist and stationer; final div.
- 1843, RAPHEAL Moses and Aaron Nathan, both of Kingston-upon-Hull, silversmiths and jewellers; first div.
- 1843, ROBINSON William Whiting, of Beverley, Yorkshire, linen and woollen draper; first and final div.
- 1843, WADDINGTON Robert, of Boston, Yorkshire, grocer; first div.

Gazette, Tuesday, April 23.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- AUSTIN William, of Bell-street, Edgware-road, in the county of Middlesex, builder, carpenter, *d. c.*, but now a prisoner in the Queen's Prison.—Official assignee, Alsager.—Sol. Harpur, Kensington-cross. Fiat, April 16. Pet. Cr. Andrew Cosser, of Pedlar's-acre, Lambeth, timber-merchant.
- BATTY Abraham, now or late of Birkenshaw, in the county of York, innkeeper, *d. c.*—Official assignee, Freeman.—Sols. Bell & Co. Bow-churchyard, and Blackburn, Leeds. Fiat, April 13. Pet. Cr. Richard Hick and Thomas Hick, of Leeds, wine-merchants.
- BROTHERS Samuel, of Newcastle-under-Lyme, in the county of Stafford, currier, *d. c.*, surviving partner of Isaac Tittensor, late of the same place, currier, deceased, the said Samuel Brothers and Isaac Tittensor carrying on business at Newcastle-under-Lyme aforesaid, as carriers and copartners, under the style or firm of Isaac Tittensor & Company.—Official assignee, Valpy.—Sols. Harding, Newcastle, and J. Smith, Birmingham. Fiat, April 19. Pet. Cr. John Leech, of Newcastle-under-Lyme, Staffordshire, tanner.
- BROWN William, of Rickmansworth, in the county of Hertford, auctioneer and surveyor, timber, coal, and slate merchant, builder, general dealer, *d. c.*—Official assignee, Edwards.—Sols. Watson & Sons, Bouverie-street. Fiat, April 19. Pet. Crs. John and William Freeman, of Millbank-street, stone-merchants.
- CHANNELL Harry, of the town and county of the town of Southampton, coal-merchant, *d. c.*—Official assignee, Belcher.—Sols. Coxwell, Southampton, and Sowton, Great James-street. Fiat, April 18. Pet. Crs. George Henry Colson and Peter Colson, of Southampton.
- GRAHAM Edward, of No. 21, Dover-street, Piccadilly, in the county of Middlesex, singing-master and music-seller.—Official assignee, Belcher.—Sol. Lonsdale, Temple Chambers, Fleet street. Fiat, April 21. Pet. Cr. Richard Mills, of No. 140, New Bond-street.
- JACKSON Richard, of Leeds, in the county of York, machine-maker, *d. c.*—Official assignee, Fearn.—Sols. Fildes, Temple, and Barr & Co. Leeds. Fiat, April 16. Pet. Cr. Benjamin Hallewell, of Leeds, wine and spirit merchant.
- KING James Bagster, of Newgate-street, in the city of London, of Hampstead, in the county of Middlesex, but now a prisoner for debt in the prison of Clichy, Paris, in the kingdom of France, merchant, warehouseman, bill-broker, *d. c.*—Official assignee, Johnson.—Sol. Cox, Pinners' Hall. Fiat, April 18. Pet. Cr. William Cox, of Pinners' Hall, Old Broad-street, gent.

LYOYD William, of Liverpool, in the county of Lancaster, carrying on business there as a wine and spirit merchant, and also now late carrying on business at Liverpool aforesaid, in copartnership with James Alexander Forrest, as glass-dealers, under the style or firm of Forrest & Lloyd, *d. c.*, as a trader indebted with one John Christopherson.—Official assignee, Bird.—Sols. Holme & Co. 41 Inn, and Booker, Liverpool. Fiat, April 11. Pet. Cr. Francis Rummens, of Liverpool, zinc-manufacturer.

READ William, and Enos Page, now or late of Ipswich, in the county of Suffolk, ship-builders and copartners, *d. c.*—Official assignee, Turquand.—Sol. Teague, Crown-court, Cornhill. Fiat, April 11. Pet. Crs. Thomas Metcalf Flockton and Webster Flockton, of Rotherhithe, turpentine and tar distillers.

SMEETON George, of Stratford, in the county of Essex, horse dealer.—Official assignee, Johnson.—Sols. Buchanan & Granger, Basinghall-street. Fiat, April 19. Pet. Cr. John Forster, of Romford, horse-dealer.

WARD Frederick Heighington, of No. 3, Arbour-terrace, Commercial-road, in the county of Middlesex, tallow-chandler and oilman.—Official assignee, Johnson.—Sol. Nias, Cophall-court. Fiat, April 15. Pet. Cr. John Rayner, of Cushion-court, Broad-street, Russia-broker.

CERTIFICATES to be allowed May 14.

Bohn James, of Fing William-street, bookseller.
Brown Robert, of Sunderland, butcher.
Dyke Moses James, of Romsey, innkeeper.
Fisher Thomas, of Selby, linen-draper.
Reesby Charles, of Stamford, miller.
Thompson Robert, of Strood, draper.
Toulson Richard, of Westminster-bridge-road, furnishing warehouseman, (partner with Christopher Teesdale).
Trapp Thomas, and Thomas Pierson Trapp, of Church-street, Southwark, tallow-chandlers.
York John, of Stoney Stratford, banker, (partner with John Oliver).
York John, of Tipton, iron-master, (partner with John Oliver and Richard Harrison).

DIVIDENDS.

Date of Fiat.

- 1842, ARROWSMITH Edmund, of Burnley, Lancashire, mercer, tailor, and undertaker; div.
- 1843, CORNISH John, of Bridport, Dorsetshire, painter and glazier; div.
- 1810, GREAVES Joshua, of Fish-street-hill, London, leather and hide-seller; div.
- 1843, HARFORD John, and William Weaver Davies, of Bristol and of Ebbw Vale, and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; sep. div. of Harford.
- 1825, HOPKINS James, of Tooley-street, Southwark, currier and leather-seller; div.
- 1837, HUMBERSTON Charles, and Samuel Frodsham, of Liverpool, Lancashire, commission-merchants, and carrying on business at Ramsay, Isle of Man, as ship-builders, under the firm of Charles Humberston & Co.; div.
- 1843, JAY Victor, of Castle-lane, Southwark-bridge-road, Surrey, silk-hat manufacturer; div.
- 1835, LYNTON John, of Cambridge, innkeeper and livery-stable keeper; div.
- 1844, MURCH Henry, of Norton-under-Hamdon, Somersetshire, sail-cloth manufacturer; div.
- 1844, REESBY Charles, of Stamford, Lincolnshire, miller; div.
- 1843, ROBINSON William, of Liverpool, Lancashire, dealer in cut and plain glass; fur. div.
- 1842, SEDDON Peter, of Middle Hulton, Lancashire, coal-dealer; final div.
- 1844, TEESDALE Christopher, and Richard Toulson, lately carrying on business in partnership as furnishing warehousemen, in the Westminster-bridge-road, Surrey; joint div. and sep. div. of Toulson.

Gazette, Friday, April 26.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

ASHWIN William, of Birmingham, in the county of Warwick, steel pen maker, *d. c.*—Official assignee, Christie.—Sol. Rawlins, Birmingham. Fiat, April 23. Pet. Cr. John Gibson Reeves, of Birmingham, factor.

BACHE Sharrington, of No. 2, Milford Cottages, Commercial-road, Peckham, in the county of Surrey, builder and carpenter.—Official assignee, Pennell.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, April 22. Pet. Cr. Anthony Holliday, of King-street, St. Luke's, copper-plate printer.

BAKE Thomas, of Chorlton-upon-Medlock, in the parish of Manchester, in the county of Lancaster, common brewer.—Official assignee, Fraser.—Sols. Dearden, Manchester, and Johnson & Co. Temple. Fiat, April 18. Pet. Cr. Thomas Hayton, of Manchester, hop-merchant.

BLAKE Benjamin William, late of No. 13, City-road, in the county of Middlesex, merchant, paper-manufacturer, *d. c.*—Official assignee, Turquand.—Sols. Hill & Matthews, Bury-court, St. Mary Axe. Fiat, April 19. Pet. Cr. George Roberts, of Paternoster-row, estate-agent.

HAIGH Henry, of No. 49, Ratcliff-highway, in the county of Middlesex, engineer, tool-maker, *d. c.*—Official assignee, Graham.—Sol. Watts, Bermondsey-street. Fiat, April 24. Pet. Crs. Richard Walker, sen. and jun., of Fort-place, Grange-road, iron-manufacturers.

HARRIS Robert, of Liverpool, in the county of Lancaster, hotel and eating-house keeper.—Official assignee, Morgan.—Sols. Norris & Co. Bartlett's-buildings, and Norris, Liverpool. Fiat, April 19. Pet. Cr. William Melville Lomas, of Liverpool, wine-merchant.

NEWMAN Robert Dawson, of Leeds, in the county of York, corn-factor, *d. c.*, trading under the firm of Newman & Co.—Official assignee, Young.—Sols. Dunning & Co. Leeds, and Smithson & Co. Southampton-buildings. Fiat, April 23. Pet. Cr. Rogers Shackleton, of Leeds, corn-miller.

PARK George, of Charles-street, Commercial-road, Stepney, in the county of Middlesex, cowkeeper and dairyman, *d. c.*—Official assignee, Whitmore.—Sol. Turner, Chancery-lane. Fiat, April 23. Pet. Cr. Isaac Circuit, of Smithfield, hay-salesman.

ROBEY John Walton, of No. 42, Upper John-street, Fitzroy-square, in the county of Middlesex, builder, *d. c.*—Official assignee, Johnson.—Sols. Walton & Forbes, Warrford-court. Fiat, April 19. Pet. Cr. John Joseph Bramah, of Wimbourne, near Wolverhampton, iron-master.

ROGERS Watkin, of Newport, in the county of Monmouth, draper, *d. c.*—Official assignee, Hutton.—Sols. Messrs. Bevan, Bristol, and Messrs. Bennett, Manchester. Fiat, April 10. Pet. Crs. James Smith and Bryce Smith, of Manchester, merchants.

SIMPSON John, the younger, of Balne-lane, in the parish of Wakefield, in the county of York, and William Toft, of Wakefield aforesaid, and lately trading at Balne-lane aforesaid, in copartnership together as alkali manufacturers and manufacturing chemists, under the style or firm of Simpson & Toft.—Official assignee, Hope.—Sols. Gregory & Co. Bedford-row, and Taylor & Westmoreland, Wakefield. Fiat, April 19. Pet. Cr. John Hardcastle, of Wakefield, esq., on behalf of the Wakefield and Barnsley Union Bank.

PETITIONING CREDITORS omitted in Gazette, April 19.

LORD and Coghlan. Fiat, April 12. Pet. Crs. Thomas, William, and Benjamin Dyson, of Almondbury, woollen-cloth manufacturers.

CERTIFICATES to be allowed May 17.

Jerry John Hoose, of Liverpool, merchant.
Jiles Thomas Hison, of Bow, omnibus-proprietor.
Judd James, and William Judd, of Romsey, mealmen.
Juttall Thomas, of Rochdale, pork-butcher.
White Stephen, of Lamb's Conduit-street, surgeon.

DIVIDENDS.

Date of Fiat.

841, CAMPION Robert, and John Campion, of Whitby, Yorkshire, bankers; joint div.

843, MURRAY John, and William Brown, both of Liverpool, Lancashire, millwrights, engineers, and iron-founders; div.

5. BANKR. 1844.

Date of Fiat.

1843, PRINGLE William, of Morpeth, Northumberland, carrier and corn-merchant; div.

1842, ROBINSON John Bolton, and William Robinson, both of Macclesfield, Cheshire, ironmongers, carrying on the trade or business of ironmongers together, in Macclesfield, under the style or firm of J. B. and W. Robinson; fur. div.

1839, SCARTH Michael, of Bishopwearmouth, Durham, miller; final div.

1843, SMITH Robert, late of the High-street, Worcester, attorney and money-scriber, and now a prisoner in Her Majesty's gaol at Newgate, London; div.

1840, TEMPLETON Thomas, and Archibald Templeton, both of Congleton, Cheshire, silk-manufacturers; fur. div.

1828, TINDALL Thomas, of Hastings, Sussex, linen-draper; div.

1841, VAVASOUR Walter, of Rochdale, Lancashire, wool-merchant; fur. div.

Gazette, Tuesday, April 30.

BANKRUPTS.**BANKRUPTCY SUPERSEDED.**

CLIFT William Gibson, of Chapel-yard, Cross-lane, High Holborn, and of Ingatestone, Essex, coach-broker.

TOWN AND COUNTRY FIATS.

GOULD Joseph, of Sheen, in the county of Stafford, cheese-factor, *d. c.*—Official assignee, Christie.—Sol. Smith, Birmingham. Fiat, Apr. 12. Pet. Cr. John Gould, of Sheen, Staffordshire, farmer.

JOHNSON Charles, of Rochdale, in the county of Lancaster, lime, stone, and brick dealer, inspector of weights and measures, *d. c.*—Official assignee, Stanway.—Sols. Woods & Jackson, Rochdale, and Norris & Co. Bartlett's-buildings. Fiat, April 24. Pet. Crs. Robert Jackson and James Woods, of Rochdale, attorneys.

MACLEAN James, of No. 3, Somerset-street, Whitechapel, in the city of London, carpenter and builder.—Official assignee, Edwards.—Sol. Burnell, Fenchurch-street. Fiat, April 27. Pet. Cr. William Sykes, of Osborne-street, Whitechapel, timber-merchant.

MORREY George, of Stratford-upon-Avon, in the county of Warwick, publican.—Official assignee, Bittleston.—Sols. Robinson, Ironmonger-lane, and Stringer, Stratford-upon-Avon. Fiat, April 22. Pet. Cr. Joseph Phillips, of Black Raven-court, Seething-lane, Tower-street, wine-merchant.

NICHOLS Charles, of Wakefield, in the county of York, bookseller, printer, and stationer.—Official assignee, Fearn.—Sols. Willis & Co. Tokenhouse-yard, and Taylor & Co. Wakefield. Fiat, April 27. Pet. Cr. Thomas Dean, of Methley, Yorkshire, farmer.

PEMBERTON John, of Knostrop, in the parish of Leeds, in the county of York, soap-boiler, *d. c.*—Official assignee, Hope.—Sols. Williamson & Hill, Gray's Inn, and Bond, Leeds. Fiat, April 24. Pet. Crs. Benjamin Helps Starey and William Palmer, of Sutton-street, Clerkenwell, patent candle makers.

PERRY John, of No. 88, Coventry-road, in the borough of Birmingham, late of Lower Fazeley-street, in the borough of Birmingham, maltster, retail brewer, and attorney's writing clerk, *d. c.*—Official assignee, Whitmore.—Sol. Suckling, Birmingham. Fiat, April 23. Pet. Cr. Waples Warden, of Birmingham, corn-dealer.

PHILLIPS George Edward, of Plymouth, in the county of Devon, saddler, harness-maker, *d. c.*—Official assignee, Hernaman.—Sols. Elworthy, Plymouth, Stogdon, Exeter, and Surr, Lombard-street. Fiat, April 20. Pet. Cr. Edward Sawdy, of Devonport, gent.

WILCOCKSON Samuel, of Chesterfield, in the county of Derby, linen-draper, mercer, *d. c.*—Official assignee, Pott.—Sols. Hardwick & Davidson, Weavers' Hall, and Sale & Worthington, Manchester. Fiat, April 24. Pet. Crs. John Bradbury and Jeremiah Greatorex, of Aldermanbury, warehousemen.

WRIGHT George Frederick, of Ironbridge, in the parish of Madeley, in the county of Salop, innkeeper.—Official assignee, Whitmore.—Sols. Clarke & Gosling, Austin-frars, Marcy, Wellington, and Slaney, Birmingham. Fiat, April 26. Pet. Cr. Peter Wright, of Dawley, Shropshire, agent.

CERTIFICATES to be allowed May 21.

Davenport Richard, jun., of Birmingham, plumber.
Hague Isaac, of Wapping-wall, engineer, (partner with William Millar and William Thompson Grant).

Minister Edward, of Argyll-place, tailor.
 Norman Thomas, of Penketh, sail-cloth manufacturer.
 Parker Hugh, Offley Shore, John Brewin, and John Rodgers, of Sheffield, bankers.
 Sturtevant Richard Lawrence, of Church-street, Bethnal-green, soap-manufacturer.
 Taylor Charles White, of Epping, draper.

DIVIDENDS.

Date of Fiat.

- 1844, ARMFIELD William, of Northampton, draper; div.
 1830, BOTCHERBY John, of Darlington, Durham, linen-manufacturer and iron-merchant; final div.
 1843, BOURJOT Charles, and William Espivent de la Velleboisnet, otherwise William Espivent, both now or late of No. 4, Coleman-street-buildings, London, merchants, carrying on the trade or business of West India and general merchants, at No. 4, Coleman-street-buildings, under the firm of Charles Bourjot & Co.; sep. div. of Velleboisnet.
 1843, BROWN John, the younger, of Tydee, in Bassalleg, Monmouthshire; div.
 1843, BUNKER James Eber, of Lower Shadwell, Middlesex, merchant; div.
 1843, DUNN Richard, and Richard Dacre Dunn, trading at Wakefield, Yorkshire, as corn-factors and merchants, under the firm of Richard Dunn & Son; divs.
 1842, EVERALL Edward, of Liverpool, Lancashire, coal-merchant; div.
 1843, GODDARD James, and Holland Goddard, of Market Harborough, Leicestershire, bankers; joint div., and sep. divs. of each.
 1843, GOFTON William, of Gilbert-street, Oxford-street, Middlesex, and of Farringdon-street, London, pawnbroker and general salesman; final div.
 1844, HODSON Edward, of Thrapston, Northamptonshire, linen-draper; div.
 1843, KNIGHT John, of Preston and Lancaster, Lancashire, mercer and draper, as a trader indebted jointly with Samuel Smith, his late partner; div.
 1843, ROSE Joseph, of Spalding, Lincolnshire, ironmonger; fin. div.
 1843, STOCKEN Alfred, and William Utton, of Halkin-street, Belgrave-square, Middlesex, coach-makers; div.
 1843, STOTT James, of Wuerdle and Wardle, in Rochdale, Lancashire, woollen-manufacturer; first div.
 1844, TAPP Charles, of Wigmore-street, St. Marylebone, Middlesex, coach-maker; div.
 1843, WHINFIELD William Anthony, of Newcastle-upon-Tyne, draper; final div.
 1844, WILLIAMSON Caleb, of No. 17, Regent-street, St. James's, Westminster, hosier and glover; div.
 1829, WRIGHT Joseph, and John Davies, both of Liverpool, Lancashire, wholesale grocers; div.

Gazette, Friday, May 3.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

FORD Frederick, and Frederick Riley Brocklehurst, of Bow-lane, wholesale stationers and cloth-manufacturers.

TOWN AND COUNTRY FIATS.

- ALDEN Henry, of Queen-street, in the city of Oxford, in the county of Oxford, stationer and printer.—Official assignee, Alsager.—Sol. Baylis, Devonshire-square. Fiat, April 27. Pet. Cr. Thomas Sumnerford, of Oxford.
 BARHAM Richard, of Emsworth, in the county of Hants, linen-draper, d. c.—Official assignee, Follett.—Sols. Messrs. Sole, Aldermanbury. Fiat, April 24. Pet. Crs. William Jones and Richard Russell, of Friday-street, warehousemen.
 DIAMOND James, of No. 1, George-street, Tower-hill, in the city of London, merchant, d. c.—Official assignee, Turquand.—Sols. Crosby & Compton, Church-court. Fiat, April 24. Pet. Crs. Jean Lafitte and Louis Lorrison, of Adde-street, importers of foreign goods.
 GIBBINS Joseph, of High-street, in the parish of St. Marylebone, in the county of Middlesex, carpenter, builder, d. c.—Official assignee, Belcher.—Sol. Rye, Golden-square. Fiat, April 27. Pet. Cr. Frederick Chesterman, of North-street, Manchester-square, timber-merchant.

GROVER John, of No. 4, Regent-street, Lambeth, in the county of Surrey, stone-merchant.—Official assignee, Groom.—Sol. Beetholme, New Inn. Fiat, April 30. Pet. Cr. Thomas Beesley, of Vincent-terrace, Islington, gent.

HARLING John, lately of Middop, in the parish of Gisburn, in the West Riding of the county of York, farmer, grazier, wool-buyer, d. c., but now of Thornber Edge, in the township of Barnoldswick, in the parish of Barnoldswick, in the said riding and county, as of business.—Official assignee, Pearne.—Sols. Cowburn & Norris, Settle, and Carris, Leeds. Fiat, April 23. Pet. Crs. Thomas Birkbeck, John Birkbeck, William Nicholson Alcock, Henry Alcock, William Robinson, and Rachel Birkbeck, of Stackhouse, near Settle, bankers.

JEVONS Sarah, of Silver-street, Lincoln, in the county of Lincoln, shoe-maker, d. c.—Official assignee, Groom.—Sol. Bifling, King-street, Cheapside. Fiat, April 18. Pet. Crs. Dantel and David Dipass, of Tensbury, shoe-manufacturers.

ROBY Joseph Hewitt, of the Athenaeum Dining Rooms, George-street, Manchester, in the county of Lancaster, coffee-house keeper.—Official assignee, Fraser.—Sols. Bridges & Mason, Red Lion-square, and Foster, Manchester. Fiat, April 26. Pet. Crs. Nathaniel Mason and John Bridges, of Red Lion-square, attorneys.

SILLITOE Ambrose, of Sudbury, in the county of Suffolk, iron-keeper.—Official assignee, Johnson.—Sols. Chilton & Co. Chancery-lane. Fiat, April 30. Pet. Cr. James Herbert, of Sudbury, foreman to Duff & Co. silk-manufacturers.

CERTIFICATES to be allowed May 24.

Chaplin William Henry, of Inworth, bricklayer.
 Clarke James, and Robert Possin Clarke, of Leeds, music-sellers.
 Diack George, of Regent-street, furniture-warehouseman.
 Forster John, of Carlisle, banker, (partner with Joseph and William Forster).
 Higginson Thomas, of Liverpool, pawnbroker and auctioneer.
 Pettit Robert, of Exning, livery-stable keeper.
 Sherwood John, of Wood-street, Cheapside, stationer.
 Smithson William, of Thirsk, draper.

DIVIDENDS.

Date of Fiat.

- 1844, BAYLEY Charles Blandy, of Abingdon, Berkshire, draper; div.
 1842, JAY John, of London-wall, London, builder; div.
 1839, LAWFOED Thomas Bothell, of No. 106, Fenchurch-street, London, wine-merchant; div.
 1844, ORBELL Henry, of Romford, Essex, victualler; div.
 1844, TEBAY Richard, of Cheesehill-street, Winchester, Southampton, plumber and glazier; div.
 1843, WOODALL William Harry, of No. 70, Bishopsgate-street Without, London, woollen-draper; final div.

Gazette, Tuesday, May 7.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

CAVE George, and Richard Cave, of Banbury, drapers.
 TAYLOR Henry, of Bilston, victualler.

TOWN AND COUNTRY FIATS.

- ARNOLD John, the younger, of Farndon, in the county of Chester, and Henry Arnold, of Derby, in the county of Derby, carrying on business at Derby aforesaid, in copartnership together, as cheese-factors and merchants, d. c.—Official assignee, Valpy.—Sols. Messrs. Richardson, Burton-upon-Trent, and Messrs. Hicks & Co. Bartlett's-buildings, Holborn. Fiat, April 24. Pet. Cr. William Worthington, esquire, of Newton Solney, Derbyshire, on behalf of the Burton, Uttoxeter, and Ashbourne Union Bank.
 BAKER Thomas William, of Woolwich, in the county of Kent, builder.—Official assignee, Edwards.—Sol. Brooks, Great James-street, Bedford-row. Fiat, May 2. Pet. Cr. James Bowles, of Beresford-street, Newington, Surrey, artist.
 BIRD John, of No. 11, St. John's-square, Clerkenwell, in the county of Middlesex, watch-manufacturer, d. c.—Official assignee, Johnson.—Sols. Hodson & Gibbs, King's-road, Bedford-row. Fiat, May 4. Pet. Cr. Charles Muston, of Red Lion-street, Clerkenwell, watch-case manufacturer.

COX Thomas, of Porchester-street, Connaught-square, in the county of Middlesex, fruiterer.—Official assignee, Johnson.—Sola. Fennell & Kelly, Bedford-row. Fiat, May 3. Pet. Cr. John Lounds, of Nutford-place, Edgeware-road, watch-manufacturer.

DAVIS Francis, of Tipton and West Bromwich, in the county of Stafford, linen-draper.—Official assignee, Christie.—Sola. Sale & Worthington, Manchester. Fiat, April 26. Pet. Crs. James Coster and Andrew Beater, of Aldermanbury, warehousemen.

HIND William, of Grimshaw-street, Preston, in the county of Lancaster, common brewer.—Official assignee, Hobson.—Sola. Fowler, Liverpool, and Kirk, Symond's Inn. Fiat, April 27. Pet. Cr. James Fowler, of Liverpool, attorney.

HOLMES Edward, of No. 3, King-street, Cheapside, in the city of London, warehouseman, *d. c.*—Official assignee, Pennell.—Sola. Pain & Co. Great Marlborough-street. Fiat, May 2. Pet. Crs. Edward Pain and John Hatherley, of Great Marlborough-street, attorneys.

MEREDITH Stephen, of Liverpool, in the county of Lancaster, and lately of Leek, in the county of Stafford, linen-draper, *d. c.*—Official assignee, Pott.—Sola. Johnson & Co. Temple, and Messrs. Wood, Manchester. Fiat, May 2. Pet. Cr. Richard Henry Wood, of Manchester, merchant.

MOORHOUSE John, of Rotherham, in the county of York, cattle-dealer, *d. c.*—Official assignee, Young.—Sola. Taylor, John-street, Bedford-row, Badger & Coward, Rotherham, and Blackburn, Leeds. Fiat, April 29. Pet. Cr. James Coward, of Arksey, Yorkshire, gentleman.

NASH William Henry, and William Gardiner, of the city of Exeter, drapers, *d. c.* and copartners.—Official assignee, Whitmore.—Sola. Sole & Sole, Aldermanbury. Fiat, April 27. Pet. Crs. William Hitchcock, Richard Lewellin, and Christopher Truman, of Woodstreet, warehousemen.

NICHOLSON William Foster, of Warley, in the parish of Halifax, in the county of York, worsted-spinner, *d. c.*—Official assignee, Freeman.—Sola. Jacques & Edwards, Ely-place, Stocks & Macanley, Halifax, and Payne & Co. Leeds. Fiat, April 25. Pet. Cr. George Hirst, of Halifax, woolstapler.

PEACOCK Henry, of Stockton-upon-Tees, in the county of Durham, grocer, *d. c.*—Official assignee, Wakley.—Sola. Amory & Co. Throgmorton-street, and Claytons & Dunn, Newcastle-upon-Tyne. Fiat, April 12. Pet. Cr. Randall Woollett, of Crown-court, Philpot-lane, wholesale tea and coffee dealer.

SIMMONDS Henry the elder, late of High-street, in the borough of Southwark, in the county of Surrey, hop-factor, afterwards of No. 5, Haymarket, and now of Long-acre, both in the county of Middlesex, mourning-coach proprietor, *d. c.*—Official assignee, Pennell.—Sola. Piercy & Hawkes, Three Crown-square, Southwark. Fiat, May 4. Pet. Cr. Benjamin Huttie, of Deptford, builder.

WILLIAMS Charles, of No. 12, Sutton-street, York-road, in the parish of Lambeth, in the county of Surrey, formerly carrying on the business of a furrier at No. 5, Friday-street, Cheapside, in the city of London.—Official assignee, Turquand.—Sol. Jones, Parliament-street. Fiat, April 29. Pet. Cr. Thomas Clifford Angell, of St. Mary-le-Strand-place, Old Kent-road, general agent.

CERTIFICATES to be allowed May 28.

Cooper George, of Leeds, butcher.
Rodham Thomas, of Newcastle-upon-Tyne, grocer.
Shaw Frederick, of London-wall, carpenter.
Watkinson James, of Maghull, saddler.
Wileman Thomas, of Earl Shilton, hosier.
Wilson Joseph, of Newcastle-upon-Tyne, linen-manufacturer.

DIVIDENDS.

Date of Fiat.

- 1842, **BENSON** Thomas, of Darlington, Durham, grocer and druggist; final div.
1843, **COLPITTS** Robert Sutton, of Newcastle-upon-Tyne, grocer and tea-dealer; final div.
1841, **HILLARY** Augustus William, of Ewanrigg Hall, Cumberland, iron-founder; final div.
1844, **HITCHIN** Henry, of Halifax, Yorkshire, ironmonger; div.
1844, **LUMLEY** Isaac, of the White Horse public-house, Cornwall-road, victualler; div.
1844, **PETTIT** Robert, of Exning, Suffolk, livery-stable keeper and training groom; div.

Date of Fiat.

- 1842, **SEALBY** Isaac, of Keswick, Cumberland, edge-tool manufacturer; final div.
1844, **SHAW** Frederick, of No. 60, London-wall, London, builder and carpenter; div.
1844, **SMITH** Henry William, of Tothill-street, Westminster, woollen-draper; div.

Gazette, Friday, May 10.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SALVI Giovanni Battista, of Brook-street, Portland-place, wine-merchant.

TOWN AND COUNTRY FIATS.

BANNER Francis, of No. 82, Upper Thames-street, in the city of London, provision-merchant, commission-agent, *d. c.*—Official assignee, Alsager.—Sola. Badham & Houghton, Verulam-buildings. Fiat, May 8. Pet. Cr. George Walter, of Lombard-street, gent.

BRUNSWICK Moyse, of Lime-street, in the city of London, merchant, *d. c.*—Official assignee, Whitmore.—Sola. Messrs. Robinson, Queen-street-place. Fiat, May 7. Pet. Crs. John Johnson, Robert Johnson, and William Bulmer, of Watling-street, warehousemen.

CLARK Joseph, of Mincing-lane, Fenchurch-street, in the city of London, colonial-broker, *d. c.*—Official assignee, Graham.—Sola. Casterton & Co. Angel-court. Fiat, May 8. Pet. Cr. James Mugeridge, of Rose-street, Newgate-market, meat-salesman.

DIXON John, of Sheffield, in the county of York, linen-draper, *d. c.*—Official assignee, Freeman.—Sola. Walker, Furnival's Inn, and Blackburn, Leeds. Fiat, May 7. Pet. Cr. William Dixon, of Settrington, Yorkshire, farmer.

ELLIOTT James, of Caxton, in the county of Cambridge, innkeeper.—Official assignee, Alsager.—Sola. Peppercorn & Co. St. Neots, and Milton, Southampton-buildings. Fiat, May 6. Pet. Cr. Joseph Topham, of Eaton Sein, Bedfordshire, corn-factor.

KEMPSTER Thomas, of Blackman-street, Southwark, in the county of Surrey, and also late of Fenchurch-buildings, in the city of London, builder, *d. c.*—Official assignee, Johnson.—Sola. Stenning & Carnel, Tonbridge, and Stenning, Staple Inn. Fiat, May 1. Pet. Crs. James Charles Kempster, of Tunbridge, gent., and Edwin James Kempster, co-trustees.

PARKER George, of Sheffield, in the county of York, spade and shovel-manufacturer, *d. c.*—Official assignee, Hope.—Sola. Duncan, Featherstone-buildings, Unwin, Sheffield, and Blackburn, Leeds. Fiat, May 6. Pet. Cr. William Woodhall, of Dudley, iron-merchant.

SAXBY Richard Scrase, of Old Fish-street, in the city of London, wine-merchant.—Official assignee, Edwards.—Sola. Gilbert & Co. Brabant-court, Philpot-lane. Fiat, May 7. Pet. Crs. John Adnam & Thomas Kingsley, of Old Fish-street, wine-merchants.

STYLES Charles, of Montague-street, Worthing, in the county of Sussex, grocer and tea-dealer, *d. c.*—Official assignee, Johnson.—Sola. Buchanan & Co. Basinghall-street. Fiat, May 8. Pet. Cr. Jesse Woodham, of Burwash, Sussex, gent.

WOODROFFE Samuel, of the town of Chepstow, in the county of Monmouth, wine-merchant, *d. c.* carrying on business in copartnership with several other persons.—Official assignee, Kynaston.—Sola. Messrs. Bevan, Bristol. Fiat, May 6. Pet. Cr. James Proctor, of Chepstow, esq.

CERTIFICATES to be allowed May 31.

Lang Richard, of Birretal, tallow-chandler.
Smith William, of St. Dunstan's-hill, merchant, (partner with Archibald Leslie).

DIVIDENDS.

Date of Fiat.

- 1844, **BAINES** Thomas, of Bradford, Yorkshire, worsted-spinner; 1st and final div.
1835, **BIRD** John Molyneux, of Liverpool, Lancashire, chemist and druggist, oil and colourman; div.
1844, **BLAKE** Nathan, of No. 75, Edgeware-road, Middlesex, linen-draper and haberdasher; div.

Date of Fiat.

- 1843, **BROWN** Richard, of Prescott, Lancashire, balance-maker, Richard Brown, the younger, of Liverpool, said county, tool dealer, and William Brown, of Prescott, balance-maker, all late of Prescott, balance-makers, trading under the style or firm of Richard Brown & Sons; joint and sep. divs.
- 1844, **CHEESMAN** William, John Hodson, and John Oliver Cheesman, of Brighton, Sussex, chinamen; joint div.
- 1836, **FRANCIS** Goodman, and Thomas Francis, the younger, of Cambridge, corn and coal merchants; div.
- 1842, **GIBSON** George, of Liverpool, Lancashire, stock and share broker and commission-agent; div.
- 1843, **KILPIN** Edmund Burke, of Union-street, Ryde, Southampton, watch-maker and jeweller; div.
- 1844, **LARK** John, of No. 11, Seymour-street, Euston-square, Saint Pancras, Middlesex, boot and shoe maker; div.
- 1827, **MARSH** Arthur Cuthbert, of Great Scotland-yard, navy-agent, scrivener and banker, formerly trading with William Marsh, of the same place, under the firm of William Marsh & Son, and lately on his own account, at the same place; joint div.
- 1843, **MURRAY** John, and William Brown, both of Liverpool, Lancashire, millwrights, engineers, and iron-founders; div.
- 1844, **PETRIE** John Carr, of Beddington, Durham, miller and grocer; div.
- 1844, **SOUTHGATE** Henry, and William Millar Robertson, of No. 22, Fleet-street, London, auctioneers; joint div.
- 1842, **STEPHENS** Samuel Fox, of No. 75, Old Broad-street, London, bill-broker; fur. div.
- 1844, **STURTEVANT** Richard Lawrence, of Church-street, Bethnal-green, Middlesex, soap-manufacturer; div.
- 1841, **UNSWORTH** John, of Liverpool, Lancashire, joiner and builder; div.
- 1810, **WILLIAMS** Roger Hesketh Fleetwood, and Mayson Wilson, of Liverpool, merchants; div.

Gazette, Tuesday, May 14.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- AUSTIN** John Sunman, of Well-street, Bedford, in the county of Bedford, surveyor and builder.—Official assignee, Groom.—Sols. Buchanan & Co. Basinghall-street. Fiat, May 4. Pet. Cr. James Austin, of Cambridge, millwright.
- BAKER** John, late of Romsey, in the county of Hants, grocer, *d. c.*—Official assignee, Belcher.—Sols. Curtis, Romsey, and Messrs. Bower & Son, Chancery-lane. Fiat, May 11. Pet. Cr. Charles Cray, of Southampton, grocer.
- BRENNAND** Eliah, of Highgate, in the county of Middlesex, ironmonger and tinman, *d. c.*—Official assignee, Graham.—Sol. Bartholomew, Gray's Inn. Fiat, May 7. Pet. Crs. Alfred Fowler and Richard Fowler Swift, of St. John-street, Clerkenwell, tin-plate workers.
- BROWN** Edward, of Birmingham, in the county of Warwick, merchant, *d. c.*—Official assignee, Valpy.—Sols. Messrs. Wheateley, Birmingham. Fiat, May 7. Pet. Crs. William and John Hensman, of Birmingham, cabinet-makers.
- BURTON** William, of No. 28, King-street, Soho, in the county of Middlesex, upholsterer.—Official assignee, Whitmore.—Sol. Bennett, Bloomsbury-square. Fiat, May 8. Pet. Cr. Samuel Collins, of Rathbone-place, ironmonger.
- DRAKE** Henry, of Barnstaple, in the county of Devon, attorney-at-law and money-scrivener.—Official assignee, Hertzell.—Sols. Bernridge & Toller, Barnstaple, Moore, Exeter, and Toller, Gray's Inn-square. Fiat, April 26. Pet. Cr. John Beavis Bignell, of Barnstaple, doctor of medicine.
- FOSTER** Edwin, of Snargate-street, Dover, in the county of Kent, tailor, trader, *d. c.*—Official assignee, Green.—Sols. Dods & Linklaters, Leadenhall-street. Fiat, April 25. Pet. Cr. John Pannett Bull, of St. Martin's-lane, woollen warehouseman.
- HARRIS** John Widow, of Wolverhampton, in the county of Stafford, wine and spirit merchant, *d. c.*—Official assignee, Christie.—Sols. Phillips & Bolton, Wolverhampton. Fiat, May 8. Pet. Cr. William Aston, of Wolverhampton, auctioneer.
- HAYWARD** Elizabeth, of Castle Hedington, in the county of Essex, innkeeper, *d. c.*—Official assignee, Whitmore.—Sol. Marston, Torrington-square. Fiat, May 2. Pet. Cr. Woodward Weybrow, of Gestingthorpe, Essex, innkeeper.

HOWDEN Joseph, of Wakefield, in the county of York, iron-founder and engine-manufacturer, *d. c.*—Official assignee, Fearn.—Sols. Willis & Co. Tokenhouse-yard, and Sykes, Wakefield. Fiat, May 1. Pet. Cr. John Howden, of Wakefield, clerk.

LANCEFIELD Thomas Courtney, of Augustus-square, Regent-park, in the county of Middlesex, builder, *d. c.*—Official assignee, Alsager.—Sols. Venning & Co. Tokenhouse-yard. Fiat, May 1. Pet. Crs. Thomas Francis Robins, Walter Charles Venning, and William Baker Naylor, of Tokenhouse-yard, attorneys.

PLEDGE John, of Vauxhall-street, in the parish of St. Mary, Lambeth, in the county of Surrey, bricklayer, carpenter, and builder, *d. c.*—Official assignee, Alsager.—Sol. Harpur, Kennington-croft. Fiat, May 13. Pet. Cr. John Nottley, of Dorset-place, Clapham-road, builder.

POLAK James Michael, of No. 4, Coleman-street-buildings, in the city of London, merchant, *d. c.*—Official assignee, Belcher.—Sols. Maltby & Grant, Broad-street-buildings. Fiat, May 8. Pet. Cr. James Fuller Whiskin, of No. 8, Broad-street, wine-merchant.

REEVE Edwin, of Liverpool, in the county of Lancaster, fruiter, *d. c.*—Official assignee, Cazenove.—Sols. Holme & Co. New Inn, and Booker, Liverpool. Fiat, May 10. Pet. Cr. Frederick Store, of Liverpool, victualler.

RICHARDSON Richard, of Manchester, in the county of Lancaster, gambroon-manufacturer, *d. c.*—Official assignee, Stanway.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, May 11. Pet. Cr. Charles Brearley, of Halifax, currier.

TODD John, the elder, and John Todd, of No. 7, Bury-street, Bloomsbury, in the county of Middlesex, ironmongers and copartners in trade.—Official assignee, Johnson.—Sol. Roberts, Bride-court, Fleet-street. Fiat, May 13. Pet. Cr. Daniel Davies, of No. 58, Goswell-road, gentleman, and Elizabeth his wife.

WETMORE Thomas Hewett, of Broad-street, in the city of Worcester, grocer, tea-dealer, *d. c.*—Official assignee, Bittleston.—Sols. Berkeley, Lincoln's Inn-fields, and Hare, Birmingham. Fiat, April 25. Pet. Crs. Archdale Palmer, John Roberts Delafosse, and Halbert Wathen, of Fenchurch-street, wholesale tea-dealers.

CERTIFICATES to be allowed June 4.

- Bourne William, of Coleman-street and Regent-street, woollen-draper (partner with George Bourne).
- Carr William, of Sunderland, merchant (partner with John Carr).
- Edwards Henry, of St. Albans, coal-merchant.
- Fawcett Thomas, and John Muir, of Hollingworth, builders.
- Freeman Richard, of Wisbeach, builder.
- Goodwin Robert, of Eton, ironmonger.
- Milbanke Richard Tyler, of Burwood-place, Edgeware-road, surgeon.
- Orbell Henry, of Romford, victualler.
- Sparham John, of Troston, miller.
- Wickham Hugh, of Bristol, linen-draper.

DIVIDENDS.

Date of Fiat.

- 1840, **BAXTER** Robert, of Montague-close, Southwark, Surrey, wharfinger, and late of Tottenham, Middlesex, farmer; div.
- 1844, **BEARUP** William, of Newcastle-upon-Tyne, joiner and builder; div.
- 1841, **BRIDGMAN** Jesse, and William Dryland, of Upper Chapman-street, St. George's in the East, Middlesex, tallow-melting; div.
- 1843, **EVANS** John, of Liverpool, Lancashire, coal-dealer; div.
- 1838, **EVANS** Maria Benedicta, and Beresford Eytton, late of No. 1, Northumberland-street, Middlesex, army-agents and bankers; div.
- 1840, **FARRELL** William, of Kensington, and of the Cattle-market, both within West Derby, Lancashire, cattle-salesman; div.
- 1844, **FARREN** James, of Nine Elms, Surrey, corn-dealer; div.
- 1843, **HAGUE** John, of the Thames Ironworks, Rotherhithe, Surrey, engineer and millwright; div.
- 1841, **HITCHCOCK** William, of Regent-street, Middlesex, linen-draper and silk-mercier; div.
- 1842, **HUSKISSON** William, of Birmingham, Warwickshire, linen-draper; div.
- 1841, **JEFFORD** Henry, of Lyme Regis, Dorsetshire, builder; final div.
- 1832, **MONCAS** John, of Liverpool, Lancashire, chronometer and watch manufacturer; div.
- 1844, **PADDON** Robert, of Hartlepool, Durham, chemist, druggist, common brewer, and spirit-merchant; div.

Date of Fiat.

- 1817, PRICE John, late of Lanfoist, Monmouthshire, money-scriver; div.
- 1843, RAWLINGS Thomas, of Cheltenham, Gloucestershire, auctioneer, appraiser, and upholsterer; div.
- 1841, REEVES Thomas, and William Reeves, of Whiston, in Claines, Worcestershire, coach-builders; final joint div., and final sep. divs.
- 1825, RICHARDSON James, of Liverpool, Lancashire, merchant, formerly carrying on business there with Robert Bolton, under the firm of Richardson & Bolton; div.
- 1842, SEWELL John, of Chatteris, Isle of Ely, Cambridgeshire, money-scriver; div.
- 1843, SIMONS George, of No. 49, King-square, Goswell-road, St. Luke's, Middlesex, watch-manufacturer; div.
- 1842, STUART James, of Liverpool, Lancashire, draper and tea-dealer; final div.
- 1817, Warburton James, of Hardwick Mill, in Bromyard, Herefordshire, miller; final div.
- 1844, WILKINSON George, and Joseph Wilkinson, of Bishop Auckland, Durham, curriers; div.

Gazette, Friday, May 17.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- BRIGINSHAW Jefferies, of Wandsworth, publican.
- SWEENEY Charles Stewart, of Albion-place, Hyde-park-square, apothecary.

TOWN AND COUNTRY FIATS.

- BANKS Sarah, of Ipswich, in the county of Suffolk, victualler.—Official assignee, Turquand.—Sols. Smith, Farnival's Inn, and Pownall, Ipswich. Fiat, May 6. Pet. Cr. Edward Pownall, of Ipswich, attorney.
- CATTANEO Peter, and Joseph Cattaneo, of Reigate, in the county of Surrey, jewellers and watch-makers.—Official assignee, Turquand.—Sol. Birkett, Curriers' Hall. Fiat, May 11. Pet. Cr. Miles Birkett, of Wellington-street, Southwark, tin-plate manufacturer, and Pheneas Nathan, of Caroline-mews, Bedford-square, watch-manufacturer.
- LAMB Edward Buckton, of No. 10, Burton-crescent, in the parish of Saint Pancras, in the county of Middlesex, builder, &c.—Official assignee, Graham.—Sol. Palmer, Temple. Fiat, May 13. Pet. Cr. William Bracher, of Great Ormond-street, painter.
- MARKS Richard, of the Old Salmon public-house, in Union-street, in the borough of Southwark, in the county of Surrey, and of the Duke of York public-house, in Liquorpond-street, and Bedford-street, in the parish of Saint Andrew, Holborn, in the county of Middlesex, victualler.—Official assignee, Groom.—Sols. Dyson & Flavell, Bedford-row. Fiat, May 9. Pet. Cr. Octavius Wigram, William Reid, William Wigram, and Edward Wigram, of Liquorpond-street, brewers.
- MASTERMAN Robert, late of No. 127, High-street, but now of No. 3, Trinity-street, in the borough of Southwark, in the county of Surrey, surgeon and apothecary, chemist and druggist, &c.—Official assignee, Turquand.—Sol. Wright, London-street. Fiat, May 7. Pet. Cr. Frederick William Easton, of Cleveland-street, Mile-end, surgeon.

EWTON Charles, and Charles Worssam, both of Kingsland-basin, Kingsland-road, in the county of Middlesex, engineers, millwrights, and copartners.—Official assignee, Edwards.—Sols. Rixon & Son, Jewry-street. Fiat, May 15. Pet. Cr. Henry, Richard, and William Barrett, of King's Head-court, Beech-street, brass-founders.

OUNGHUSBAND Thomas William, now of No. 27, Upper Belgrave-place, in the county of Middlesex, but late of Poplar, in the same county, bitumen-manufacturer, and lately carrying on business in partnership with William Dickenson and William Gunston, under the style or firm of the Parisian Bitumen Company.—Official assignee, Edwards.—Sol. Wadeson, Austin-friars. Fiat, May 11. Pet. Cr. William M'Kenzie, of Plough-road, Rotherhithe, bitumen-manufacturer.

CERTIFICATES to be allowed June 7.

yley Thomas, of West Smithfield, victualler.

armerkin George, of Wivenhoe, ship-owner.

iesman William, John Hodson, and William Oliver Cheesman, of Brighton, chinaman.

6. BANK. 1844.

- Conaway John, of Gray's Inn-lane, cheesemonger.
- Couchman Charles, of Edward-square, carpenter.
- Craneis Robert Josiah, of Maldon, butcher and innkeeper.
- Foord George, of Lenham, seed-merchant.
- Hawkes William Robert, of Brighton, brewer.
- Heathorn Joseph Lidwell, of Abchurch-lane, ship-owner.
- Jackson John, and John Clewes Jackson, of Burslem, earthenware manufacturers.
- Leech John, of Newcastle, ironmonger.
- Millar Thomas, of Liverpool, hosier and draper.
- Scholesfield Joseph, of Cheapside, cutler.
- Scott Frederick James, of St. Albans, apothecary.
- Teesdale Christopher, of Westminster-bridge-road, furnishing ware-houseman, (partner with Richard Toulson).
- Walton George, of Stockton-upon-Tees, wine-merchant.

DIVIDENDS.

Date of Fiat.

- 1841, COLLS Charles, Charles Thompson, and Richard Peckover Harris, the younger, of No. 72, Lombard-street, London, bill-brokers; div.
- 1843, FISHER John, and George Henry Fisher, of Manchester, Lancashire, Manchester warehousemen and merchants, trading at Manchester under the firm of Fisher & Son; div.
- 1843, FREARSON William Hollis, of No. 106, Wood-street, Cheap-side, London, and of West Ham, Essex, sewing-cotton manufacturer and trader; div.
- 1844, HAWKINS George, of Bristol, mason; div.
- 1837, HUMBERSTON Charles, and Samuel Frodsham, of Liverpool, Lancashire, commission-merchants, carrying on business at Ramsay, Isle of Man, as ship-builders, under the firm of Charles Humberston & Co.; second div.
- 1841, KERR Henry Thomas Croghan, John Henry Baughen, and Thomas Turgis Haines, of Suffolk-street, Pall-mall East, Middlesex, army-agents; final sep. div. of Baughen.
- 1841, LAURIER Adolphe, and Joseph Lock, of Wood-street, London, importers of foreign goods; final div.
- 1827, LUCAS Thomas, of Brampton, Derbyshire, iron-founder; final div.
- 1839, MARKS Mark, and Samuel Barnett, of Liverpool, Lancashire, tailors and drapers; sep. div. of each, and joint div.
- 1840, MOTT Isaac Henry Robert, of Pall-mall, Middlesex, piano-forte maker, and of Dean-street, Soho, same county, distiller; div.
- 1837, NEW Henry, formerly of Birmingham, Warwickshire, commission-agent, but now of Spring Brook Forge, Blakedown, in Kidderminster, Worcestershire, iron-manufacturer; final div.
- 1837, POLAK Saloman Lipman, and Rudolph Lipman Polak, both of Manchester, Lancashire, merchants, carrying on business under the firm of Messrs. S. & R. Polak; div.
- 1825, RICHARDSON James, of Liverpool, Lancashire, merchant, formerly carrying on business there with Robert Bolton, under the firm of Richardson & Bolton; div.
- 1843, SOUTHERN James, of New-street, Birmingham, Warwickshire, grocer; div.
- 1811, TAIT William Watson, of Liverpool, Lancashire, merchant, in copartnership with John Dover; div.
- 1841, WILCOCK Edward, George Teasdale, and John Turner, of Ulverstone, Lancashire, paper-manufacturers; final joint div., and final sep. div. of Teasdale.
- 1842, WOOD Benjamin Jasper, of Liverpool, Lancashire, optician; div.

Gazette, Tuesday, May 21.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

- READ William, and Enos Page, of Ipswich, ship-builders.

TOWN AND COUNTRY FIATS.

- ALDEN Isaac, of the Market, and of Worcester-place, both in the city of Oxford, butcher, &c.—Official assignee, Johnson.—Sol. Ford, Bloomsbury-square. Fiat, May 9. Pet. Cr. Samuel Steane, of Oxford, wine-merchant.
- BUTTRESS William Cowland, of Sewardstone, in the parish of Waltham Holy Cross, in the county of Essex, silk-thrower and farmer, &c.—Official assignee, Belcher.—Sol. Cox, Pinners' Hall. Fiat, May 13. Pet. Cr. William Barrett, of Sewardstone Green, Waltham, dealer in hay.

CARLINE Thomas, of Shrewsbury, in the county of Salop, builder.—Official assignee, Whitmore.—Sols. Teece, Shrewsbury, and Reece, Birmingham. Fiat, May 15. Pet. Cr. John Carline, of Shrewsbury, Salop, architect.

COOPER John, of Stoney-lane, Southwark, in the county of Surrey, wheelwright and smith. *d. c.*—Official assignee, Whitmore.—Sols. Messrs. Brady & Sons, Staple Inn. Fiat, May 15. Pet. Cr. William Henry Forman and William Thompson, of Dyers' Hall Wharf, Thames-street, iron-merchants.

FLETCHER William, of Cinderhill, in the parish of Sedgley, in the county of Stafford, maltster and retail brewer.—Official assignee, Christie.—Sol. Robinson, Wolverhampton. Fiat, May 17. Pet. Cr. George Robinson, of Wolverhampton, solicitor.

GRAY William, of Sheffield, in the county of York, wine and spirit merchant.—Official assignee, Freeman.—Sols. Ryalls, Sheffield, Moss, Cloak-lane, and Blackburn, Leeds. Fiat, May 16. Pet. Cr. Francis Wright Everet, of Ecclesfield, gent.

HALLS Lewis Langdon, of Taunton, in the county of Somerset, tea-dealer and grocer, trading under the style or firm of Ridgway, Halls, & Company.—Official assignee, Hernaman.—Sols. Terrell, Exeter, and Hill & Mathews, Bury-court, St. Mary Axe. Fiat, May 14. Pet. Cr. Edward Webster Whistler, of No. 9, Fenchurch-street, colonial produce agent.

LEWIS Mary, of Derby, in the county of Derby, straw-bonnet manufacturer, milliner, *d. c.*—Official assignee, Valpy.—Sols. Messrs. Williamson & Shaw, Derby. Fiat, May 16. Pet. Crs. George German and Brammall Holme, of Derby, mercers and drapers.

LICKFOLD William, late of Merrow, in the county of Surrey, licensed victualler, but now of — hill, in the parish of Haslemere, in the same county.—Official assignee, Pennell.—Sols. King, Godalming, and Whittaker, Lincoln's Inn-fields. Fiat, May 10. Pet. Cr. William Elphs Holland, of Godalming, Surrey, brewer.

MORRISON Pearson Richard, late of Liverpool, in the county of Lancaster, merchant, *d. c.*, but now of Hammersmith, in the county of Middlesex, out of business.—Official assignee, Johnson.—Sols. Fiddy, Temple, and Bransom, Sheffield. Fiat, April 24. Pet. Cr. John Jones, of Sheffield, mercer.

PARKER David, of Salford, in the parish of Manchester, in the county of Lancaster, hop-merchant, cheese-factor, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Hulme, Manchester. Fiat, May 16. Pet. Cr. John Toulmin, of Preston, cheese-factor.

RILEY Edward, of Stratford-upon-Avon, in the county of Warwick, grocer, tea-dealer, *d. c.*—Official assignee, Bittleston.—Sols. Hill & Mathews, St. Mary Axe, and Bray, Birmingham. Fiat, May 8. Pet. Crs. Ann Conway, John Phelps, and Thomas Hayward, of Maiden-lane, Queen-street, wholesale grocers.

SNELLING James, of No. 63, Blackman-street, Southwark, in the county of Surrey, eating-house keeper.—Official assignee, Johnson.—Sol. Cox, Sise-lane. Fiat, May 17. Pet. Cr. Charles Valentine Game, of No. 17, Nicholas-lane, butcher.

WARD John, of West Bromwich, in the county of Stafford, coach-maker.—Official assignee, Bittleston.—Sol. Holland, West Bromwich, and Hodgson, Birmingham. Fiat, May 14. Pet. Cr. George Birkin, of Endon Bernal, near Bridgnorth, gent.

CERTIFICATES to be allowed June 11.

Also Richard, of Manchester, grocer.
Blake Nathan, of Edgware-road, linen-draper.
Brewer Thomas, of Liverpool, flag-dealer.
Hughes John, of Liverpool, painter.
Johnson Joshua Joseph, of Lant-street, carpenter.
Maryon Richard, of Chigwell-row, blacksmith.
Murphy Michael, of Liverpool, grocer.
Tuck Edmund, of the Haymarket, silversmith.
Wood Henry, of Fleet-street, bookseller.

DIVIDENDS.

Date of Fiat.

1841, BERRILL Bartholomew, of Liverpool, Lancashire, merchant and broker; div.

1843, BOURNE James, of Bemersley, in Norton in the Moors, Staffordshire, printer; div.

1842, BOWER Alexander, of Basford, Staffordshire, and of Manchester, Lancashire, banker; fur. div.

1844, BROWN John, of Weymouth, Dorsetshire, tea-dealer and grocer; div.

Date of Fiat.

1825, BROWN Samuel, of Oxford-street, Middlesex, cheesemonger; div.

1827, CHURCHILL Samuel, of Deddington, Oxfordshire, scrivener and felt-manufacturer; div.

1842, CLAPHAM Henry, of Liverpool, Lancashire, woollen draper; div.

1834, COMER William, of Liverpool, Lancashire, cotton-broker; div.

1844, GARNETT James Francis, of No. 1, Wellington-street, and of No. 163, Tooley-street, Southwark, Surrey, hatter; div.

1844, HONE Robert, late of No. 27, Garnault-place, Spa-fields, but now of No. 54, Hatton-garden, both in Middlesex, stationer; div.

1841, JUPP Spencer, of Little Hampton, Sussex, corn-merchant; div.

1844, NORMAN Thomas, of Penketh, near Warrington, Lancashire, sail-cloth manufacturer and farmer; div.

1844, OSBORNE Henry Roberts, of Truro, Cornwall, grocer; div.

1844, PEARCE Thomas, of Meaford, in Stone, Staffordshire, miller; div.

1844, PEGLER Francis John, of Duke-street, Reading, Berkshire, woollen-draper; div.

1834, PIDDING John Rhodes, of George-yard, Lombard-street, London, and of Bollard's-lane, Finchley, Middlesex, merchant; div.

1842, RAYNER William, and John Rayner, of Uxbridge, Middlesex, and of Hillingdon, said county, seed-crushers; sep. div.

1843, SOLLY Nathaniel Neal, of Tivdale, in Rowley Regis, Staffordshire, and Richard Solly, of Sheffield, Yorkshire, carrying on trade at Tivdale, as iron-masters, under the firm of Hollis, Solly, & Sons; div.

1844, WALTER George, of Oundle, Northamptonshire, grocer; div.

Gazette, Friday, May 24.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

BAKE Thomas, of Manchester, brewer.

TOWN AND COUNTRY FIATS.

DAVISON Thomas, of Stockton-upon-Tees, Durham, grocer, tea-dealer, and cheesemonger.—Official assignee, Baker.—Sols. Nims, Symond's Inn, and Brignal, Durham. Fiat, May 18. Pet. Cr. Margaret Ann Davison, of Stainton, spinster.

JOHNSON James Crawford, and William Chapman, of Manchester, in the county of Lancaster, manufacturing chemists, and copartners in trade.—Official assignee, Pott.—Sols. Hall & Mourilyan, Verulam-buildings, and Leeming, Manchester. Fiat, May 16. Pet. Cr. John Chapman, of Prestolee, near Bolton, cotton-spinner.

MARTIN Joseph White, of Newmarket, in the county of Suffolk, chemist and druggist.—Official assignee, Pennell.—Sols. Marriott, Colchester, and Jones & Co. John-street. Fiat, May 15. Pet. Cr. William Martin, of Colchester, tailor.

PARSON William, of the town of Southampton, grocer, *d. c.*—Official assignee, Johnson.—Sols. Walker & Co. Southampton-street. Fiat, May 14. Pet. Cr. Samuel Parmiter, of Southampton, tallow-chandler.

PIKE James Milton, of No. 5, Great Bath-street, Cold Bath-square, in the county of Middlesex, licensed victualler.—Official assignee, Turquand.—Sol. Stuart, New Inn. Fiat, May 21. Pet. Cr. Charles Thomas Pratt, of Vineyard-walk, Clerkenwell, dressing-case manufacturer.

PITT John, of Longdon, in the county of Worcester, innkeeper.—Official assignee, Christie.—Sols. Bird & Co. Upton on Severn, and Bloxam, Birmingham. Fiat, May 14. Pet. Cr. William Harrison, of Upton upon Severn, maltster.

SMITH John, of Bacup, and of Manchester, both in the county of Lancaster, calico-printer, *d. c.*—Official assignee, Fraser.—Sols. Atkinson & Saunders, Manchester, and Makinson & Sanders, Temple. Fiat, May 4. Pet. Crs. Francis White and Thomas Holt, of Manchester, drysalers.

WEBB Bloomfield, of High-street, in the borough of Southwark, in the county of Surrey, cheesemonger, *d. c.*—Official assignee, Whitmore.—Sols. Brown & Co. Commercial Chambers. Fiat, May 22. Pet. Cr. Gerrard Wymen, of the Commercial Sale Rooms, Mincing-lane, merchant.

CERTIFICATES to be allowed June 14.

Bell John Henry, of Bristol, apothecary.
 Bentley Thomas, of Eccleston, calico-printer.
 Burt William, of Harrow-road, boarding-house keeper.
 Charles Emanuel, of Radipole, brick-maker.
 Douglass Joseph, of Newcastle, rope-manufacturer.
 Lubbock Thomas Eastoe, of Butcher Hall-lane, victualler.
 Lumley Isaac, of the Cornwall-road, victualler.
 Rboades Henry, of Manchester, spirit-dealer.
 Savill Charles, of Romford, grocer and cheesemonger.
 Tapp Charles, of Wigmore-street, coach-maker.
 Todd John, of Hylton Ferry, ship-builder.

DIVIDENDS.

Date of Fiat.

1843, CLARKE Caleb, of Banbury, Oxfordshire, linen-draper and hosier; final div.
 1843, JARDINE John, of Richbucto, in the province of New Brunswick, now of Liverpool, Lancashire, merchant, ship-builder, and ship-owner; div.
 1842, OTLEY Mary, of St. James's-street, Middlesex, milliner; div.
 1831, POPE Christopher, of the out parish of St. Philip and Jacob, Gloucestershire, near Bristol, copper, zinc and brass wire, and iron-hoop manufacturer; fifth div.
 1843, REYNOLDS Thomas, the younger, of No. 32, Great St. Helen's, Bishopsgate-street, London, merchant; div.
 1831, VANZELLER Joseph, late of No. 15, New Broad-street, London, and of York-place, Middlesex, and of Bahia, in the Brazil, and now of No. 33, Great Winchester-street, London, merchant; div.

Gazette, Tuesday, May 28.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

BARNARD Jacob, of Nos. 178 and 318½, in the High-street, Cheltenham, in the county of Gloucester, clothes-dealer, *d. c.*—Official assignee, Miller.—Sols. Messrs. Winterbotham, Cheltenham, and Dix, Bristol. Fiat, May 15. Pet. Cr. Isaac Parker, of Cheltenham, saddler.
 BRAND Thomas, of Stamford-street, Blackfriars-road, in the county of Surrey, livery-stable keeper.—Official assignee, Edwards.—Sol. Harman, Earl-street. Fiat, May 24. Pet. Cr. John Berry, of No. 61, Union-place, New Kent-road, tailor.
 BERWICK John, of Windhill, in the parish of Calverley, in the county of York, worsted-stuff manufacturer, *d. c.*—Official assignee, Hope.—Sols. Paw & Co. Henrietta-street, Weatherhead & Burr, Bingley, and Naylor, Leeds. Fiat, May 16. Pet. Crs. Joseph Sutcliffe, of Bradford, and Jonas Sutcliffe, of the same place, worsted-spinners.
 FLIGHT Edward Gill, of No. 1, Adam-street, Adelphi, in the city of Westminster, in the county of Middlesex, publisher, *d. c.*, and carrying on business at Bridport, in the county of Dorset, in partnership with one Thomas Flight, as money-scriveners.—Official assignee, Alsager.—Sols. Turner & Hensman, Basing-lane. Fiat, May 20. Pet. Cr. Johnson Hanke, of No. 5, James-street, Covent-garden, builder.
 KEARSLEY Thomas, and Thomas Watt, of Runcorn, in the county of Chester, bone-merchants and copartners in trade, *d. c.*—Official assignee, Fraser.—Sols. Harrison, Birmingham, and Smith, Bedford-row. Fiat, May 16. Pet. Cr. William Bryan, of Birmingham, metal-dealer.
 LOUIS Edward, of No. 27, Gerrard-street, Soho, in the county of Middlesex, wholesale perfumer and importer of foreign goods, *d. c.*—Official assignee, Graham.—Sols. Crosby & Compton, Church-court. Fiat, May 24. Pet. Crs. Louis Lorrison and Jean Lafette, of Adde-street, importers of foreign goods.
 MONK William, the younger, of the town of Nottingham, currier and leather-cutter, *d. c.*—Official assignee, Whitmore.—Sols. Parsons, Nottingham, and Spurrier & Chaplin, Birmingham. Fiat, May 10. Pet. Cr. William Holmes, of Sculcoates, tanner.
 OXLEY Edward, the younger, of King's Lynn, in the county of Norfolk, batter and dealer in clothes.—Official assignee, Groom.—Sols. Dixon, New Boswell-court, and Ransom, Sudbury. Fiat, May 20. Pet. Crs. John King, of Sudbury, Suffolk, and William Doubleday King, of the same place, gentlemen.

SISON John, of St. James's-street, Brighton, in the county of Sussex, dealer in toys and fancy goods, *d. c.*—Official assignee, Johnson.—Sols. Rickards & Walker, Lincoln's Inn-fields. Fiat, May 17. Pet. Cr. George Adnam, of Brighton, auctioneer.

CERTIFICATES to be allowed June 18.

Bradley John Rose, of Sheffield, horn-merchant.
 Butcher William, of Great Marlborough-street, commission-agent.
 Finney John, of Moore, builder.
 Hiliam Francis, of Cambridge-terrace, Edgware-road, ale and porter merchant.
 Jackson William, of Liverpool, baker.
 Levy Edward, and Augustus Samuel Levy, of Liverpool, fruit-merchants.
 Munton Robert Nicholls, jun., of Greatford, miller.
 Sewell John, of Chatteris, money-scrivener.
 Smith James, of Darenth, carpenter.
 Smith Noel Thomas, jun., of Lime-street, ship-owner.
 Wade James, of Birmingham, paper-maker.

DIVIDENDS.

Date of Fiat.

1832, ALDERSON Thomas Dean, of Great Marlborough-street, and of Warwick-street, Golden-square, both in Middlesex, pewterer and lead-merchant; div.
 1844, ALSOP Richard, of Manchester, Lancashire, grocer and shop-keeper; div.
 1844, BAKER William, of Lower Grosvenor-street, Bond-street, Middlesex, surgeon and apothecary; div.
 1842, BENNETT John, of Bangor-place, King's-road, Reading, Berkshire, railroad contractor and brick-maker; div.
 1842, CORNISH Thomas, of No. 47, Great Marlborough-street, St. James's, Westminster, wine-merchant; div.
 1844, COWEN John, of Penrith, Cumberland, linen and woollen draper, laceman and hosier; div.
 1843, EVERSHED Richard, of Fulbrough, Sussex, timber-merchant; div.
 1842, FAIRCLOUGH George Frederick, of Liverpool, Lancashire, money-scrivener and banker; div.
 1821, GARDNER Benjamin, of Leigh, Worcestershire, farmer and maltster; div.
 1839, HOWIE James, of Manchester, Lancashire, merchant and commission-agent; first and final div.
 1842, M'CONNAL John, of Liverpool, Lancashire, tea-dealer; div.
 1813, MORRALL Cyrus, and Iver Borland, of Liverpool, Lancashire, merchants; final div.
 1839, PARKER Thomas Lane, of Edgbaston, Warwickshire, coal-merchant; div.
 1842, PARK William, now or late of Smallthorn, in Norton in the Moors, Staffordshire, shopkeeper; div.
 1842, PIGGOTT William Rupert, of No. 7, Goldsmith-street, Wood-street, London, carpet-warehouseman; div.
 1842, SCOTT William, of No. 19, Regent-street, Middlesex, wine-merchant; div.
 1811, WHITE Thomas, of Liverpool, Lancashire, merchant; div.

Gazette, Friday, May 31.

BANKRUPTS.**BANKRUPTCY SUPERSEDED.**

RIDGWAY Joseph, of Chester, fringe and coach-lace manufacturer.

TOWN AND COUNTRY FIATS.

ANICHINI Quiroga Bolivar Vittoria John, late of St. Benet's-place, Gracechurch-street, in the city of London, merchant, trading under the firm of John Anichini & Company.—Official assignee, Belcher.—Sols. Clowes & Wedlake, Temple. Fiat, May 24. Pet. Crs. William and Joseph King, of Stourbridge, coal-masters.
 BAXTER Robert, of Sheffield, in the county of York, merchant and table-knife manufacturer, *d. c.*, trading under the style or firm of Robert Baxter & Company.—Official assignee, Fearn.—Sols. Fidley, Temple, and Wilson & Co. Sheffield. Fiat, May 22. Pet. Cr. Henry Wilson, of Sheffield, snuff-manufacturer.
 BEECH Thomas, of Newcastle-under-Lyme, in the county of Stafford, grocer, *d. c.*—Official assignee, Whitmore.—Sols. Stanier, Newcastle-under-Lyme, and Smith, Birmingham. Fiat, May 13. Pet. Cr. William M'Kay, of Liverpool, wholesale grocer.

DETHICK William, of Temple-street, Whitefriars, in the city of London, lime-merchant, *d. c.*—Official assignee, Whitmore.—Sols. Humphrey & Co. Chancery-lane. Fiat, May 28. Pet. Cr. George Smith, of Notting-hill, builder.

HARRADEN Henry Richard, of the borough of Cambridge, in the county of Cambridge, printseller.—Official assignee, Pennell.—Sols. Tarrant, Walbrook, and Lawrence, Cambridge. Fiat, May 15. Pet. Cr. Robert Ellis, of Cambridge, plumber.

HOMER Frederick Lane, of Manchester, in the county of Lancaster, merchant, *d. c.*—Official assignee, Hobson.—Sols. Blackburne, Leeds, and Messrs. Bennett, Manchester. Fiat, May 24. Pet. Crs. Matthew Glasford and George Young, of Glasgow, merchants.

LAND Benjamin, of Saint Albans, in the county of Hertford, victualler, *d. c.*—Official assignee, Alsager.—Sols. Roche & Co. Upper Wellington-street. Fiat, May 28. Pet. Cr. William Boome, of St. Albans, gent.

LYNN William, of Liverpool, in the county of Lancaster, late carrying on business as an hotel-keeper in Liverpool.—Official assignee, Morgan.—Sols. Littledale & Bardswell, Liverpool, and Vincent & Sherwood, Temple. Fiat, May 27. Pet. Cr. John Beynon, of Liverpool, grocer.

MARDALL John Whitley, of New Shoreham, in the county of Sussex, insurance-broker, *d. c.*—Official assignee, Belcher.—Sols. Rolfe & Edmunds, Gray's Inn, and Edmunds, Worthing. Fiat, May 23. Pet. Cr. Richard Lawson, of Littlehampton, Sussex, shipowner.

MITCHELL John, of the town and county of the town of Nottingham, fellmonger and coal-merchant.—Official assignee, Bittleston.—Sols. Cann, Nottingham, and Smith, Birmingham. Fiat, May 16. Pet. Cr. Edwin Varney, of Nottingham, maltster.

NEWTON Thomas, of Holbeach, in the county of Lincoln, cattle-dealer, trader, *d. c.*—Official assignee, Valpy.—Sols. Staniland, Boston, and Barker & Sons, Birmingham. Fiat, May 25. Pet. Cr. Gilbert Reeson, of Kirton, farmer.

OWEN Joseph, and Sarah Owen, of Sheffield, in the county of York, merchants, *d. c.*, carrying on trade in copartnership with Samuel Owen, of Sydney, in New South Wales, under the firm of Samuel Owen & Sons.—Official assignee, Young.—Sols. Bigg, Southampton-buildings, Heywood & Bramley, Sheffield, and Branson, Sheffield. Fiat, May 23. Pet. Crs. Samuel Gardner, Francis Rokeby Appleby, Charles Appleby, and Henry Thorp Skelton, of Sheffield, merchants.

TYNDALE Emanuel, of Ross, in the county of Hereford, wine and spirit merchant, *d. c.*—Official assignee, Valpy.—Sols. Washbourne, Gloucester, Hall & Minett, Ross, and Stubbs & Rollings, Birmingham. Fiat, May 14. Pet. Crs. William Washbourne, Richard Martin, and Daniel Lloyd, of Gloucester, wine-merchants.

CERTIFICATES to be allowed June 21.

Aldred John, of Nottingham, wholesale stationer.
Evans William, of Llangelynin, miller.
Greening Thomas, of Worcester, surgeon.
Southall Richard, jun., of Birmingham, merchant.
Thomson George, of Stoke-upon-Trent, iron-manufacturer, (partner with James Thomson).

DIVIDENDS.

Date of Fiat.

1840, CAWOOD George Corney, of Sunderland near the Sea, Durham, tobaccoist; final div.

1843, FOSTER Elizabeth Hannah, of Hathern, Leicestershire, tanner; div.

1839, GEACH William Foster, of Pontypool, Monmouthshire, corn and timber merchant; div.

1843, GORTON William, of St. Peter's-alley, Cornhill, London, merchant, carrying on business in London, with Edward William Andrews, of Adelaide, in South Australia, under the style or firm of William Gorton & Co., and also carrying on business at Adelaide, with the said Edward William Andrews, under the style or firm of Gorton & Andrews, as a trader indebted together with the said Edward William Andrews; div.

1842, HILTON Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; first joint div., and first sep. div. of Walsh.

Date of Fiat.

1842, HILTON Henry, of Over Darwen, Lancashire, bleacher and finisher and coal-merchant; first div., and (by order of the Court of Review) div. of H. and E. Hilton.

1837, HUMBERSTON Charles, and Samuel Frodsham, of Liverpool, Lancashire, commission merchants, carrying on business at Ramsay, Isle of Man, as ship-builders, under the firm of Charles Humberston & Co.; second div.

1842, POWELL Edmund Peter, of Southampton, tailor; div.

Gazette, Tuesday, June 4.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ALDERTON Charles, of North-street, Brixton, in the county of Sussex, tailor, *d. c.*—Official assignee, Edwards.—Sols. Wood & Fraser, Dean-street, Soho. Fiat, May 25. Pet. Cr. Edward Tewart, jun., John Preston Tewart, Robert Tewart, and William Sidney Wheeler, of Ludgate-hill, warehousemen.

BATES William Henry, of the borough of Birmingham, in the county of Warwick, factor, *d. c.*—Official assignee, Christie.—Sols. Palmer & Sons, Birmingham, Fellowes, jun., Dudley, and Austen & Hobson, Gray's Inn. Fiat, May 28. Pet. Cr. John Lilly, sen., of Edgbaston, gent.

CLARK John, of Abington, in the county of Cambridge, draper and grocer, *d. c.*—Official assignee, Pennell.—Sols. Ashurst, Cheapside. Fiat, May 29. Pet. Crs. Andrew Caldecot, William Powell, and John Willcocks, of Cheapside, warehousemen, and Thomas Mabyn and William Grant, of Cheapside, warehousemen.

COLEMAN Richard, and Edwin Robert Hall, of Colchester, in the county of Essex, iron-founders, *d. c.* and copartners.—Official assignee, Turquand.—Sols. Tooke & Son, Bedford-row, and Messrs. Phillbrick & Co. Fiat, May 28. Pet. Cr. John William Egerton Green, of Colchester, banker.

JONES Lewis, late of Barmouth, in the county of Merioneth, corn and flour seller, huxter, and general dealer, *d. c.*—Official assignee, Turner.—Sols. Clarke & Co. Lincoln's Inn-fields, Owen & Griffith, Dolgelly, and Green, Liverpool. Fiat, May 21. Pet. Cr. Edward Williams, of Llanaln, farmer.

LINE William, now or late of Spencer-square, Ramsgate, in the county of Kent, builder, *d. c.*—Official assignee, Groom.—Sols. Williams, Coleman-street. Fiat, May 21. Pet. Cr. George Freeman, of Blenheim-street, Oxford-street, lead-merchant.

NORMAN Benjamin, and Henry Buckman, of Cheltenham, in the county of Gloucester, ironmongers, copartners, *d. c.*—Official assignee, Hutton.—Sols. Foster, Wolverhampton, and White & Co. Bedford-row. Fiat, June 1. Pet. Crs. Frederick Walton, Samuel Walker, and Alexander Walton, of Wolverhampton, factors.

SEDGWICK Edward, of Hythe, in the county of Kent, scrivener.—Official assignee, Johnson.—Sols. Nias, Cophall-buildings. Fiat, May 25. Pet. Cr. Thomas Richard Sedgwick, of Linton, Kent, farmer.

SMITH John, of the borough of Warwick, wine and spirit merchant, *d. c.*—Official assignee, Bittleston.—Sols. Heath, Warwick. Fiat, May 28. Pet. Cr. John Lampray, of Warwick, gent.

STEPHENS Timothy, of No. 66, Newgate-street, and of No. 3, Holborn-bars, both in the city of London, umbrella-manufacturer, *d. c.*—Official assignee, Alsager.—Sols. Taylor, South-place, Finsbury-square. Fiat, May 31. Pet. Cr. John Drake, of London-wall, cabinet-maker.

CERTIFICATES to be allowed June 25.

Beckley Richard, of North Audley-street, grocer.
Bunker James Eber, of Lower Shadwell, merchant.
Chapman William, of York-place, New-road, surgeon.
Hewitt Henry Stephenson, of Manchester, victualer.
Smith William, of Nottingham, small-wareman.
Thomson James, of Stoke-upon-Trent, iron-manufacturer.
Thorpe William, of Thorne, scrivener.
Wainman Thomas, of Leeds, dyer.

DIVIDENDS.

Date of Fiat.

1823, BRIDGE Walter, the younger, and James Standing, both of Manchester, Lancashire, timber-merchants, chair and bedstead manufacturers; final div.

Date of Fiat.

- 1837, CUNLIFF Richard, of Over Darwen, Lancashire, cotton-manufacturer; first div.
- 1815, FOWLER Daniel, and Robert Green, of Lime-street, London, merchants; sep. div. of Fowler.
- 1826, JOHNSON Hugh, of Liverpool, Lancashire, grocer; div.
- 1841, JONES Richard Tunnard, of Oxford, chemist and druggist; div.
- 1839, MAGUIRE Thomas, of Liverpool, Lancashire, publican and ship and anchor smith, as a trader indebted together with John Boyland, Michael Kelly, and James Maguire, carrying on business at Liverpool as ship and anchor smiths, under the firm of Maguire, Boyland, Kelly, & Company; div.
- 1844, NORMAN Thomas, of Penketh, near Warrington, Lancashire, sail-cloth manufacturer and farmer; div.
- 1842, PINKERTON Robert, of No. 27, Mark-lane, London, merchant; div.
- 1819, PHILLIPS Richard, of Exeter, chemist and druggist; div.
- 1842, WILSON Joseph, of Fountain-street, Manchester, Lancashire, warehouseman; first div.

Gazette, Friday, June 7.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BARNES William, of No. 20, Ludgate-hill, in the city of London, bonnet-maker, *d. c.*—Official assignee, Groom.—Sol. Teague, Crown-court. Fiat, May 30. Pet. Crs. Richard Coward Harvey and John Harvey, of Ludgate-hill, linen-drappers.
- BATTEN James, of North-street, in the parish of Tilehurst, in the county of Berks, cattle and sheep dealer and sheep-salesman, *d. c.*—Official assignee, Graham.—Sols. Hill & Co. Throgmorton-street, and Weedon & Co. Fiat, May 28. Pet. Cr. George Higgs, of Reading, yeoman.
- FIELDING George, of Thame, in the county of Oxford, ironmonger, *d. c.*—Official assignee, Groom.—Sol. Tippetts, Pancras-lane. Fiat, June 3. Pet. Crs. John and Thomas Daniel, of Upper Thames-street, iron-merchants.
- JENKINSON George, of Wolverhampton, in the county of Stafford, butcher and cattle-dealer, *d. c.*—Official assignee, Bittleston.—Sols. Clarke, Wolverhampton, and Smith, Birmingham. Fiat, June 1. Pet. Cr. George Carlow, of Birmingham, boot-maker.
- KNIGHT James Bargas William, of St. James's-walk, Clerkenwell, in the county of Middlesex, printer, *d. c.*—Official assignee, Johnson.—Sol. Green, Basinghall-street. Fiat, June 4. Pet. Cr. Daniel Fielding, of Rosoman-street, Clerkenwell, butcher.
- LEVET Joseph, of Soham, in the county of Cambridge, carpenter and builder, *d. c.*—Official assignee, Turquand.—Sol. Wilkin, Amwell-terrace. Fiat, June 4. Pet. Cr. Thomas Martin Wilkin, of Amwell-terrace, Pentonville, solicitor.
- PARKER John, of the borough of Kingston-upon-Hull, corn-miller, *d. c.*—Official assignee, Freeman.—Sols. Tilson & Squance, Coleman-street, Messrs. Wells, Hull, and Horsfall & Harrison, Leeds. Fiat, May 30. Pet. Cr. Frederick Turner, of Hull, merchant.
- SMITH James Linthwaite, of the borough of Leicester, cabinet-maker, *d. c.*—Official assignee, Valpy.—Sols. Brown & Palmer, Leicester. Fiat, May 30. Pet. Crs. William Palmer and Joseph Brown, of Leicester, attornies.
- PENCE Simeon Hartley, of Leeds, in the county of York, maltster and corn-dealer.—Official assignee, Hope.—Sols. Milton, Southampton-buildings, and Dunning & Stawman, Leeds. Fiat, May 25. Pet. Cr. Thomas Sanderson, of Leeds, corn-factor.
- TURNER William, of Manchester, in the county of Lancaster, cabinet-maker, joiner, and builder, *d. c.*—Official assignee, Pott.—Sols. Chester & Co. Staple Inn, and Chapman & Roberts, Manchester. Fiat, June 4. Pet. Crs. Mary and Sarah Brookes, of Manchester, spinsters.
- YOUNG James, of Aldermanbury, in the city of London, laceman and milliner.—Official assignee, Graham.—Sols. Wilson, Aldermanbury, and Messrs. Soles, Aldermanbury. Fiat, June 4. Pet. Crs. Thomas Chew, of Little Moorfields, livery-stable keeper, and Charles Stembridge, of Curtain-road, coach-builder.

CERTIFICATES to be allowed June 28.

- Cotman Henry, of Norwich, draper.
- Dakeyne Alice, of Bolton-le-Moors, smallware dealer.
- Gent Robert, of Hulme, traveller.
- Hicks Richard Thomas, of Cooper's-row, Tower-hill, wine-merchant.
- McDonell George, of Mincing-lane, wine-broker.
- Payne John Douglas, and Lydia Rushton, of Birmingham, furriers.
- Pot William, of Macclesfield, silk-throwster.
- Ridout John Early, of Ringwood, woolstapler.
- Scott William, of Regent-street, wine-merchant.
- Tattersall George, of Noble-street, hosier.
- Webster Robert, of Oxford-market, victualler.

DIVIDENDS.

Date of Fiat.

- 1842, BAKER Henry, of Mark-lane, London, merchant; div.
- 1843, BEST Edward Payne, of Crutched-friars, London, and of Croom's-hill, Greenwich, Kent, wine-merchant; div.
- 1844, BETTISON Samuel, of Leamington Priors, Warwickshire, wine and spirit merchant.
- 1843, BOHN James, of No. 12, King William-street, St. Martin's in the fields, Middlesex, bookseller; div.
- 1843, COTMAN Henry, of Norwich, draper; final div.
- 1835, COX Stephen, of Hendon, Middlesex, and of Brunswick-street, Stamford-street, Surrey, horse-dealer; joint div. of John Roalfe (deceased) and Stephen Cox, of Canterbury.
- 1843, ELVINS Henry, of Warwick, innkeeper and grocer; div.
- 1843, GRAY John Walter, and Robert Gray, both of Bishop's Waltham, Southampton, corn-dealers and seedsmen; div.
- 1843, KILLICK Charles, and John Sadd, of No. 16, Blackman-street, Southwark, Surrey, paper-stainers, trading under the style or firm of Killick & Sadd; joint div., and sep. div. of Sadd.
- 1842, LABATT Edmund Henry, of Mincing-lane, London, merchant and commission-agent; final div.
- 1843, MILLS William, of Birmingham, Warwickshire, upholsterer; div.
- 1844, PENNY Robert, of Cockermouth, Cumberland, mercer and draper; div.
- 1844, SCOTT Archibald, of No. 6, Cambridge-street, Golden-square, St. James's, Westminster, auctioneer and appraiser; div.
- 1844, TUBB John, of Basingtoke, Hants, draper; div.
- 1844, WEBSTER Robert, of Oxford-market, Middlesex, victualler; div.
- 1843, WHITELAW James, and Thomas Whitelaw, of Litchfield-street, Soho, Middlesex, and of Store-street, Bedford-square, same county, carpenters and builders; div.
- 1843, WILLIAMS Charles, of Sunderland, Durham, currier and leather-seller; div.

Gazette, Tuesday, June 11.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- DEALTRY James, of Burslem, in the county of Stafford, grocer, shopkeeper, *d. c.*—Official assignee, Stanway.—Sols. Hitchcock & Co. Manchester, and Johnson & Co. Temple. Fiat, May 31. Pet. Cr. Uriah Cooper Whittingham, of Manchester, tea-dealer.
- GROVE George, of the parish of Wick and Abson, in the county of Gloucester, miller, *d. c.*—Official assignee, Acraman.—Sols. Daniels & Barker, Bristol. Fiat, June 1. Pet. Cr. Francis Edwards, of Bristol, corn-factor.
- HEWARD James, of Lawrence-street, in the parish of Hendon, in the county of Middlesex, hay-salesman, farmer, *d. c.*—Official assignee, Whitmore.—Sol. Raw, Furnival's Inn. Fiat, June 8. Pet. Cr. John Wiggins Lockwood, of Myddleton-street, watch-manufacturer.
- LAKE Henry, of Cheltenham, in the county of Gloucester, printer and dealer in cards, *d. c.*—Official assignee, Miller.—Sol. Boodle, Cheltenham. Fiat, May 27. Pet. Cr. John Alder, of Cheltenham, cabinet-maker and upholsterer.
- ROGERS Frederick, of Cooknoe, otherwise Cogenhoe Mill, in the parish of Cooknoe, otherwise Cogenhoe, in the county of North-

ampton, miller and beer-house keeper, *d. c.*—Official assignee, Bell.—Sol. Cattlin, Ely-place. Fiat, May 20. Pet. Cr. Mary Gifford, of Woodwallen, Huntingdonshire, widow.

ROSS Daniel, of No. 1, Little Love-lane, in the city of London, warehouseman, agent, *d. c.*, trading under the firm of Ross & Company.—Official assignee, Pennell.—Sols. Dixon & Overbury, Frederick's-place. Fiat, June 3. Pet. Cr. Valentine Chaplin, of No. 27, Bucklersbury, merchant.

CERTIFICATES to be allowed July 2.

Bayley Charles Blandy, of Abingdon, draper.
Ewart and Ewart, of Newcastle, auctioneers.
Faulkner John, of Danvers-street, Chelsea, builder.
Leonard Samuel Walker, of Frances-street, Golden-square, butcher.
Lay Thomas, of Dudley, grocer.
Poore Edward, of Bampton, druggist.
Rogers Ebenezer, of Newport, fire-brick manufacturer.
Stevens Robert, of the New-cut, earthenware dealer.
Willsmer Charles, of Tillingham, draper.

DIVIDENDS.

Date of Fiat.

1842, ABBOTT John, of Blackburn, Lancashire, cotton-manufacturer; final div.

1841, ARNOLD Thomas, of No. 48, Paternoster-row, London, book-seller and publisher, and lately carrying on business at No. 34, Paternoster-row, with William Ball and John Richmond Hayward, under the firm of Ball, Arnold & Company, as a trader indebted with the said William Ball and John Richmond Hayward; div.

1841, BALL William, of No. 34, Paternoster-row, London, book-seller and publisher, lately carrying on business there with John Richmond Hayward and Thomas Arnold, under the firm of Ball, Arnold & Company, and still more recently with John Richmond Hayward only, at the same place, under the firm of William Ball & Company, as a trader indebted with the said John Richmond Hayward and Thomas Arnold; div.

1841, BUTTERWORTH William, of Sunderland Wharf, High-street, and of Rye-terrace, both in Peckham, Surrey, corn-merchant; div.

1844, CRUMP John, of Stanway, in the county of Gloucester, corn-dealer and miller; div.

1841, CURTIS Timothy Abraham, of Tokenhouse-yard, London, merchant, as a trader indebted together with Nicholas Garry, carrying on business under the firm of Garry & Curtis; final div.

1839, DAVIS Nathaniel, of Westerham, Kent, innkeeper and upholsterer; div.

1844, DEACON Joseph, of Whitechapel-road, Middlesex, draper; div.

1844, EICKE Charles, late of Rotherhithe, Surrey, iron-rivet and railway-spike manufacturer, trading under the firm of the Patent Iron Rolling and Compressing Company, and of Park-street, Westminster; div.

1843, ESHELBY George, of No. 15, Gate-street, Lincoln's Inn-fields, Middlesex, currier; div.

1844, FIELD George, of No. 2, Bond-court, Walbrook, London, packer and merchant; div.

1843, GOODWIN Robert, of Eton, Bucks, ironmonger; div.

1843, HARFORD John, and William Weaver Davies, of Bristol, and of Ebbw Vale, and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; sep. div. of Harford.

1841, HENLEY George, otherwise George Summerhays Henley, late of No. 12, Pall-mall, and also of No. 16, Savoy-street, Strand, both in Middlesex, but now of No. 16, Savoy-street, trading and carrying on business in the name of George Summerhays Henley, auctioneer and estate agent; div.

1823, INGLIS John Bellingham, and James Inglis, of Mark-lane, London, merchants, surviving partner of John Inglis, late of Mark-lane, merchant, deceased; final div.

1817, MARSHAM William, late of Angel-court, Throgmorton-street, London, and of Middlesex-place, and of Stewart's-grove, Middlesex, broker; final div.

Date of Fiat.

1843, MIERS William, of Leeds, Yorkshire, oil, colour, and varnish merchant; div.

1844, MILLER Thomas, of Liverpool, Lancashire, hosier and draper; first div.

1843, ORBELL John, of Brundon, Essex, miller and merchant; div.

1843, PAPILLON Peter James, of Leeds, Yorkshire, wine-merchant; div.

1843, PARKER Hugh, Offley Shore, John Brewin, and John Rodgers, of Sheffield, Yorkshire, bankers; second div.

1842, REACH George, of Bardwell, Suffolk, miller; final div.

1826, SHARP Clement, and William Dodd Clarke, of Berners-street, St. Marylebone, Middlesex, upholsterers and cabinet-makers; sep. div. of William Dodd Clarke.

1843, SLADE William, of Bridport, Dorsetshire, boot and shoe maker; div.

1844, SPARKE Algernon, of No. 28, Jewin-crescent, Jewin-street, London, wine and spirit merchant; div.

1842, STREET William, of Rickinghall Superior, Suffolk, grocer and draper; div.

1839, STRINGER James Ralph, of Houndsditch, London, wholesale clothier; div.

1842, WALFORD William, of Great Winchester-street, London, merchant and drysalter; div.

1840, WHEELER William, and Edward Wheeler, of Oxford, horse-dealers and livery-stable keepers; div.

1843, WHITFIELD William, of Bridgewater, Somersetshire, grocer; div.

Gazette, Friday, June 14.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

WILCOCKSON Samuel, of Chesterfield, linen-draper.

TOWN AND COUNTRY FIATS.

JOHNSON Thomas, the elder, William Johnson, and Charles Mann, of Romford, in the county of Essex, bankers and copartners, &c.—Official assignee, Follett.—Sols. Stevens & Co. Queen-street. Fiat, June 8. Pet. Cr. Emanuel Cooper, William Corry, Swynford Jervia, and John Henry Warter, of Lombard-street, bankers.

MACFARLANE Dugald, of Berners-street, Oxford-street, in the county of Middlesex, wine-merchant.—Official assignee, Belcher.—Sol. Crouch, Southampton-buildings. Fiat, June 13. Pet. Cr. John Sleath, of Nutford-street, May-fair, D.D.

MUSGROVE Richard, of High-street, Birmingham, in the county of Warwick, woollen-draper, *d. c.*—Official assignee, Bell.—Sols. Hardwick & Guest, Weavers' Hall. Fiat, June 4. Pet. Cr. Henry Wood, of Basinghall-street, woollen warehouseman.

TAYLOR James, of Liverpool, in the county of Lancaster, commission-merchant and coal-agent, lately carrying on business in partnership with one Thomas M'Entagart, at Liverpool aforesaid, as commission-merchants.—Official assignee, Casenove.—Sols. Gregory & Co. Bedford-row, and Rogerson & Radcliff, Liverpool. Fiat, June 6. Pet. Cr. John Mooney and John Warrington, of Liverpool, merchants.

THOMPSON Alfred, of the town and county of the town of Southampton, and of Chichester, in the county of Sussex, grocer, &c.—Official assignee, Alsager.—Sols. Newbon & Evans, Doctors' Commons. Fiat, June 8. Pet. Cr. Robert Currey and William Kirk, of Shoemaker-row, tobacco-manufacturers.

WOOD Henry, of Basinghall-street, in the city of London, woollen-factor and warehouseman, *d. c.*—Official assignee, Whitmore.—Sols. Dickson & Overbury, Frederick's-place, and Hardwick & Davidson, Weavers' Hall. Fiat, June 11. Pet. Cr. Samuel Fox Stephens, of Lombard-street, discount agent.

CERTIFICATES to be allowed July 5.

Abbott William, and David Dixon, of Leeds, dyers, (partners with Thomas Parker, John Parker, John Rawlinson, Joshua Hanson, Joseph Bell, Thomas Chadwick, Abram Emsley, Robert Kershaw, John Muggrave, Thomas Pullan, John Shaw, Joseph Woolley, and George Eastburn.

Ball Samuel, of Liverpool, chemist.
 Bearup William, of Newcastle, joiner.
 Deane Charles, of Southampton, coach-builder.
 Game James, of Long Melford, corn-dealer.
 Glazebrook Joseph, of Birmingham, carpenter.
 Hawkins George, of Bristol, mason.
 Laurence George Henry Darby, of Zante, merchant.
 Pegler Francis John, of Reading, woollen-draper.
 Pickup Edmund, of Manchester, fustian-manufacturer, (partner with John Dawson).
 Robertson William, of Liverpool, drysalter.
 Ruffell Samuel, of Greenwich, draper.
 Thompson Francis, of Southampton, tailor.

DIVIDENDS.

Date of Fiat.

- 1840, APPLETON Raynes Waite, of Liverpool, Lancashire, merchant; div.
 1843, BREASLEY James, of Leeds, Yorkshire, victualler, plumber, and glazier; second and final div.
 1844, CLACK Charles, of No. 40, Beech-street, Barbican, London, haberdasher and trimming-seller; div.
 1843, CLARKE John, Richard Mitchell, Joseph Phillips, and Thomas Smith, all of Leicester, bankers, carrying on business at Leicester, and also at Lutterworth, Leicestershire, and at Melton Mowbray, same county, and at Uppingham and Oakham, Rutlandshire, under the name or style of Clarke, Mitchell, Phillips, & Smith, the said Richard Mitchell carrying on, in his individual capacity, the business of a hosier at Leicester aforesaid; sep. div. of Mitchell.
 1841, EVANS John, Joseph Jones, and William Davies, of Eberystwith, Cardiganshire, bankers; divs.
 1836, FREEMAN Joseph, of Ipswich, Suffolk, woollen-draper and tailor; final div.
 1839, HARRIS Thomas, of John-street, America-square, London, merchant; final div.
 1838, HILL Benjamin, of Birmingham, Warwickshire, stationer; div.
 1843, HODGSON Richard, of High-street, Sunderland, Durham, tea-dealer and grocer; fur. div.
 1844, JOHNSON John Cottingham, of No. 3, Lawrence Pountney-hill, London, merchant; div.
 1844, LUBBOCK Thomas Eastoe, of Butcher-hall-lane, Newgate-street, London, licensed victualler; div.
 1844, M'DONNELL George, trading under the name, style, and firm of Dillon and M'Donnell, of Mincing-lane, London, wine and spirit broker and trader; div.
 1842, ROGERS Spencer, of Dale Hall, near Burslem, Staffordshire, earthenware-manufacturer; div.
 1844, SAVILL Charles, of Romford, Essex, grocer and cheesemonger; div.
 1842, SWALLOW John, the elder, John Swallow, the younger, and George Swallow, of Brow and Sterne Mills, in Skircoat, parish of Halifax, Yorkshire, corn-millers, carrying on trade under the firm of John Swallow & Sons; final div.
 1844, WESTREN Thomas, of Brushford Mills, in Brushford, Devonshire, maltster, miller and brewer; div.
 1841, WORTHINGTON Thomas, of Burbage, Leicestershire, hosier, baker and grocer; div.

Gazette, Tuesday, June 18.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

ARD Frederick Heighington, of Arbour-terrace, Commercial-road, tallow-chandler and oilman.

TOWN AND COUNTRY FIATS.

LAY William Edward, of Heathfield, in the county of Sussex, grocer and draper, *d. c.*—Official assignee, Edwards.—Sols. Loft & Potter, King-street, Cheapside. Fiat, June 10. Pet. Cr. George Taffinden, of Heathfield, Sussex, wheelwright and innkeeper.
 LLAND John, of the parish of Buxted, in the county of Sussex, draper and grocer, *d. c.*—Official assignee, Pennell.—Sols. Loft & Potter, King-street. Fiat, June 17. Pet. Cr. W. Goring, of Buxted, farmer.

LEAVER Thomas, late of Great Coxwell, in the county of Berks, baker and flour-dealer, *d. c.*—Official assignee, Edwards.—Sols. Clarke & Co. Lincoln's Inn-fields, and Haines, Farringdon. Fiat, June 7. Pet. Cr. Thomas Painter, of Ashbury, Berks, miller and mealman.

PEACOCK Henry, and John Peacock, of Stockton-upon-Tees, in the county of Durham, grocers.—Official assignee, Wakley.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, June 5. Pet. Cr. William Sanderson, of Thornaby, Yorkshire, yeoman.

CERTIFICATES to be allowed July 9.

Alexander John, of Pendleton, common-brewer.
 Amos Thomas, of Kingsland-road, builder.
 Ball William, of Goodge-street, cabinet-maker.
 Bomford Thomas, of Elmstone Hardwick, hay-dealer.
 Brown John, of Weymouth, tea-dealer.
 Bryson Thomas, of Adde-street, commission-agent.
 Caldecott Robert, and John Caldecott, of Manchester, silk-mercers.
 Cunnington John, of Newport, builder.
 Grove Henry, of Birmingham, grocer, (partner with Charles Grove).
 Hitchcock Robert, of Taunton, miller.
 Lewis William, jun., of Axbridge, baker.
 Mitchell Henry, of Nottingham, fellmonger.
 Ord Jonathan William, of Durham, linen-draper.
 Pearce Thomas, of Stone, miller.
 Tarver James, of Daventry, ironmonger.

DIVIDENDS.

Date of Fiat.

- 1844, ANDREW Thomas, of Little Earl-street, Seven-dials, Middlesex, victualler; div.
 1834, ANDREWS Joseph, of Threadneedle-street, London, stock-broker and commission-agent; div.
 1843, BARRACLOUGH John, of Bradford, Yorkshire, timber-merchant; div.
 1844, BATTYE John, of No. 8, Courtney-terrace, Kingsland, Middlesex, linen-draper; div.
 1843, BREASLEY James, of Leeds, Yorkshire, victualler, plumber, and glazier; second and final div.
 1843, BRADLEY James Taylor, and William Bradley, both of Leeds, Yorkshire, ironmongers; div.
 1844, BROMLEY William, of Gray's Inn-square, Gray's Inn, Middlesex, scrivener; div.
 1843, BURGESS John, of Manchester, Lancashire, formerly licensed victualler, and now a beer-seller; div.
 1840, CARRUTHERS John, of Mitchells, in Speldhurst, Kent, and last residing at Shepperton, Middlesex, and lately also carrying on business as a distiller, with Frederick Fraser Carruthers, at Manchester, Lancashire, under the names of Carruthers & Company, and of the Manchester Distillery Company, and as a trader indebted with the said Frederick Fraser Carruthers; div.
 1842, CLOUGH Samuel, and William Thompson Clough, both of Eccleston, Lancashire, alkali-manufacturers; joint div.
 1843, GIBSON Job, of Kirton, in Lindsey, Lincolnshire, grocer and druggist; final div.
 1844, HELLEWELL James, of Salford, Lancashire, dyer and finisher; first div.
 1842, HILTON Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; first joint div., and sep. div. of Walsh.
 1844, HILTON Henry, of Over Darwen, Lancashire, bleacher and finisher, and coal-merchant; first sep. div. of H. Hilton, and first joint div. of Henry and Edward Hilton.
 1840, MASON Robert, and William Robson Scott, of Leeds, Yorkshire, bookseller; div.
 1843, MAY John, of Pickwick, in Corsham, Wiltshire, victualler; first and final div.
 1843, ROBSON Charles, of Shotley Bridge, Durham, miller and grocer; final div.
 1843, STEVENS Robert, of Nos. 32 and 33, New-cut, Lambeth, Surrey, dealer in china, glass, and earthenware; div.
 1839, WALSH Robert Henry, of No. 61, Aldermanbury, London, warehouseman; final div.

Gazette, Friday, June 21.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

CRAVEN George, of Wakefield, in the county of York, maltster and wharfinger.—Official assignee, Hope.—Sols. Scott & Tahourdin, Lincoln's Inn-fields, and Taylor & Westmoreland, Wakefield. Fiat, June 18. Pet. Cr. William Pape, of Leeds, corn-miller.

HARWOOD George, of the city of Chester, in the county of Chester, draper, &c.—Official assignee, Bird.—Sols. Abbott, Charlotte-street, Bedford-square, Little-dale & Bardwell, Liverpool, and Messrs. Bennett, Manchester. Fiat, June 3. Pet. Crs. Henry Humphreys, of Manchester, and Joseph Taylor & James Hurst, his copartners, merchants.

HERON Edward, of Hartlepool, in the county of Durham, butcher and ship-owner, &c.—Official assignee, Wakley.—Sols. Poole, Hartlepool, and Mitton, Southampton-buildings. Fiat, June 14. Pet. Cr. George Liddell, of Brearton, Durham, farmer.

MOWBRAY William, of the parish of Wheathampstead, in the county of Hertford, butcher.—Official assignee, Johnson.—Sols. Sharpe & Co. Bedford-row. Fiat, June 14. Pet. Cr. William George, of St. Peters, Hertfordshire, farmer.

SMITH John, of the town and county of the town of Southampton, corn-merchant, and coal-merchant and mealman.—Official assignee, Graham.—Sols. Pownall & Cross, Staple Inn, and Royle & Co. Lymington. Fiat, June 14. Pet. Crs. William and James Clark, of Botley, Southampton, merchants.

STENT George, of Pleasant-place, Southampton-street, Camberwell, in the county of Surrey, builder and plumber.—Official assignee, Turquand.—Sols. Parker & Co. Gray's Inn. Fiat, June 10. Pet. Cr. George William Jacob, of No. 3, Commercial-place.

SWEETLAND Mary, of Nos. 60 and 61, John-street, Fitzroy-square, in the county of Middlesex, baker.—Official assignee, Groom.—Sols. Shearman & Slater, Great Tower-street. Fiat, June 15. Pet. Crs. James Watney and William Henry Wells, of Wandsworth, millers.

TUCKER John, late of Sutton-street, Commercial-road East, in the county of Middlesex, ship-owner, &c., but now a prisoner in the Queen's Prison.—Official assignee, Green.—Sols. Maples & Co. Frederick's-place. Fiat, June 14. Pet. Cr. James Matthew Robertson, of No. 3, Providence-place, Commercial-road East, painter.

CERTIFICATES to be allowed July 12.

Kelson William Golightly, of Canterbury, builder.
Lopez Melchor, of Crutched-frars, wine-merchant.
Milner John, of Brook-street, New-road, engine-manufacturer.
Paddon Robert, of Hartlepool, chemist and brewer.
Parker Zachariah, and Robert Henderson, of Duke-street, Lincoln's Inn-fields, and Ventnor, carpenters.
Phillips Philip, of Stangate, victualler.
Watson Thomas, of Camomile-street, victualler.
Wilkinson Thomas, of King-street, Holborn, boot-maker.
Williams Jeremiah, of Newtown, flannel-manufacturer.

DIVIDENDS.

Date of Fiat.

1844, **BEARD** Neville, of No. 6, Beach-street, Barbican, London, and also of No. 18, Charlton-street, Somers-town, Middlesex, leather-seller; div.

1843, **CHAMBERS** Charles, of Peterborough, Northamptonshire, liquor-merchant; div.

1843, **DANKS** Samuel, of Wednesbury, Staffordshire, screw and nail manufacturer; div.

1833, **DAVIS** Henry, of Bristol, scrivener; final div.

1842, **GALE** James, the elder, and James Gale, the younger, of Love-lane, Shadwell, Middlesex, rope-makers, paint and colour manufacturers, trading under the firm of James Gale & Son; div.

1843, **HEATHORN** Joseph Lidwell, of No. 3, Abchurch-lane, London, ship-owner, as a trader indebted together with Henry Heathorn, Samuel Magnus, John Taite, Abraham Hort, Henry Blundell, Joseph Blundell, Solomon Cohen, Israel Isaacs, Abraham Harris, Leopold Neumegen, George Dixon Longstaff, and George Alfred Muskett, since deceased; div.

Date of Fiat.

1844, **MILNER** John, of Brook-street, New-road, Middlesex, engine-manufacturer, lately carrying on business with Frederick Braithwaite, late of the same place, engine-manufacturer, under the firm of Braithwaite, Milner & Co.; div.

1844, **NALL** John, of Chesterfield, Derbyshire, grocer; div.

1838, **SKINNER** Samuel, of Greenham, in Thatcham, Berkshire, brewer; final div.

1843, **SOUTHERN** James, of New-street, Birmingham, Warwickshire, grocer; div.

1843, **SPINK** Thomas, of Hillam, Yorkshire, farmer; div.

1842, **TODD** Thomas, of Manchester, Lancashire, dealer in cotton and woollen goods; first div.

1837, **WEST** Joseph, of High-street, Shoreditch, Middlesex, grocer; final div.

Gazette, Tuesday, June 25.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ASHLEY Thomas, of Lyonshall, in the county of Hereford, builder and timber-dealer.—Official assignee, Christie.—Sols. Heath, Warwick, Bodenham, Kingston and Smith, Birmingham. Fiat, June 12. Pet. Cr. John Taylor, of Stanton upon Arrow, Herefordshire, weaver.

ASKHAM Stephen, of Bradford, in the county of York, commission-agent, stuff-manufacturer, &c.—Official assignee, Fearn.—Sols. Hawkins & Co. New Boowell-court, and Ridehalgh, Bradford. Fiat, June 17. Pet. Cr. Robert Leach, of Bradford, stuff-manufacturer.

BOND Zachariah, of Manchester, in the county of Lancaster, brick-maker, &c.—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Blair, Manchester. Fiat, June 15. Pet. Cr. Donald Fraser and John Willson, of Manchester, tea-dealers.

HODGE James, late of the White Lion public-house, Drury-lane, in the county of Middlesex, licensed victualler, but now of No. 24, Abchurch-lane, in the city of London.—Official assignee, Bell.—Sols. Vawdrey, Granville-place. Fiat, June 22. Pet. Cr. John Nicholls, of No. 48, Leather-lane, plumber.

HODGSON Richard, of Bishop Auckland, in the county of Durham, mercer and draper, &c.—Official assignee, Baker.—Sols. Mawson, Manchester, Crain, Newcastle, and Johnson & Co. Temple. Fiat, June 10. Pet. Cr. Moses Mawson, of Manchester, merchant.

HOWARTH John, of the borough of Rochdale, in the county of Lancaster, woollen and flannel manufacturer.—Official assignee, Stanway.—Sols. Hunt, Rochdale, and Cragg & Jeyes, Harper-street, Red Lion-square. Fiat, June 19. Pet. Cr. William Longbottom, of Rochdale, woolstapler.

OPPENHEIM Charles Fox, of George-street, Minorities, in the city of London, ship-owner, merchant, &c.—Official assignee, Edwards.—Sols. Spyer, Broad-street-buildings. Fiat, June 21. Pet. Cr. Samuel and Henry Oppenheim, of Manach-street, general factors.

READ William Robert, of No. 30, Winchester-street, King's-cross, in the county of Middlesex, builder.—Official assignee, Whitmore.—Sols. Buchanan & Granger, Basinghall-street. Fiat, June 22. Pet. Cr. Henry Hamilton Scott, of No. 88, Regent-street, surgeon.

WOLFENDEN Thomas, and Joseph Prestwich, now or lately trading under the firm of Wolfenden and Prestwich, at Castle Mill, in Oldham, in the county of Lancaster, as cotton-spinners, in partnership.—Official assignee, Fraser.—Sols. Potter, Manchester, and Johnson & Co. Temple. Fiat, June 14. Pet. Cr. Joseph Scholefield, of Oldham, and John Walker Cross, cotton-waste dealers, Joseph Johnson, of Oldham, cotton-waste dealer, and Joseph Bowker, of Manchester, cotton-waste dealer.

WOOD John Freeman, of Holywell-street, Oxford, in the county of Oxford, surgeon, apothecary, &c.—Official assignee, Follett.—Sols. Pownall & Cross, Staple Inn, and Walsh & Daymen, Oxford. Fiat, June 22. Pet. Cr. John Penfold, of Holywell-street, Oxford, butcher.

CERTIFICATES to be allowed July 16.

Bell John, of Norwich, surgeon.

Saunders Susan, of Golden-square, lodging-house keeper.

DIVIDENDS.

Date of Fiat.

- 1844, ALLISON Richard, of Whitehaven, Cumberland, ironmonger; div.
- 1843, BOOTH Thomas, and Benjamin Sayle, of the Park Iron-works, in Sheffield, and of Tinsley Park, in Rotherham, both of Yorkshire, iron-masters, iron-founders, machine-makers, and coal-masters, trading under the firm of Booth & Co.; first div.
- 1843, BUTCHER George, of No. 18, Holborn-hill, London, china and glass dealer; div.
- 1843, COOKE Thomas, of Leicester, glove-manufacturer; div.
- 1837, DAKEYNE Daniel, and Thomas Wanklyn, of Manchester, Lancashire, and of Gradbatch, Staffordshire, flax-spinners, carrying on business under the firm of Daniel Dakeyne & Co.; first joint div., and first sep. div. of Wanklyn.
- 1843, GARSED John, of Elland, in Halifax, Yorkshire, cloth-dresser and finisher; first and final div.
- 1843, HARFORD John, and William Weaver Davies, of Bristol, and of Ebbw Vale, and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; sep. div. of Davies.
- 1839, MARSTON William, of Manchester, Lancashire, yarn-merchant, cork-merchant, and cork-manufacturer; second div.
- 1843, MUIR George, of Newcastle-upon-Tyne, draper; div.
- 1843, NEWMAN Arthur Atherley, of High-street, Whitechapel, Middlesex, saddler and harness-maker; div.
- 1843, NICHOLSON Donald, of Castle-street, Liverpool, Lancashire, hatter; div.
- 1844, PALMER Frederick William, of Mincing-lane, London, colonial broker; div.
- 1843, SHOWELL John Whitehouse, of Birmingham, Warwickshire, bookseller and printer; final div.
- 1843, SMITH Benjamin, of Tipton, Staffordshire, grocer and baker; div.
- 1843, WRIGLEY Thomas, of Westcroft Mills, King's-cross, in Halifax, Yorkshire, silk-waste-spinner and cotton-doubler; div.

Gazette, Friday, June 28.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- FLETCHER Joseph, of Liverpool, in the county of Lancaster, paint and colour manufacturer.—Official assignee, Bird.—Sols. Oliver, Old Jewry, and Evans, Liverpool. Fiat, June 25. Pet. Crs. William Bird, official assignee, James Lister, banker, and William Laycock, iron-merchant, all of Liverpool, assignees of John Murray and William Brown.
- HADFIELD Charles, of Sheffield, in the county of York, anvil manufacturer, *d. c.*—Official assignee, Young.—Sols. Unwin, Sheffield, Blackburn, Leeds, and Duncan, Featherstone-buildings. Fiat, June 17. Pet. Crs. Edward Squire, and John Clay, of Hull, iron-merchants.
- HETHERINGTON Robert, of Ellen Grove, in the parish of Cross Canonby, in the county of Cumberland, tanner, *d. c.*—Official assignee, Baker.—Sols. Tyson, Maryport, and Cram, Newcastle. Fiat, June 11. Pet. Crs. John Temple, of Allonby, Cumberland, butcher, and Isaac Sibson, of Great Broughton, butcher.
- HOWLAND Robert, of Thame, in the county of Oxford, auctioneer, *d. c.*—Official assignee, Graham.—Sol. Sturmy, Wellington street, London-bridge. Fiat, June 25. Pet. Cr. Christopher Phillips, of Newgate-market, butter-salesman.
- PRITCHARD Edward, of Liverpool, in the county of Lancaster, wine and spirit merchant.—Official assignee, Turner.—Sols. Messrs. Humphreys, Gray's Inn, and Stockley & Co. Liverpool. Fiat, June 18. Pet. Crs. William Nixon, Charles Wilding Jones, and William Preston, of Liverpool, wine-merchants.
- WETENHALL John, of No. 20, Throgmorton-street, in the city of London, stock and share broker, *d. c.*—Official assignee, Johnson.—Sol. King, St. Mary Axe. Fiat, June 25. Pet. Cr. Mary Booth, of Walcot-terrace, Lambeth, spinster.

7. BANKR. 1844.

CERTIFICATES to be allowed July 19.

- Barnes George, of Portsea, innkeeper.
 Graham Edward, of Dover-street, music-seller.
 Joseph James, of Richmond, oilman.
 Lewis William, of Bristol, carpenter.
 Metcalf James, of Liverpool, grocer.
 Nall John, of Chesterfield, grocer.
 Wright Herbert Hancox, of Shiffnal, grocer.

DIVIDENDS.

Date of Fiat.

- 1843, BARNES George, of the George Inn, Queen-street, Portsea, Hants, innkeeper; div.
- 1843, COCKERILL William Brown, of Reedham, Norfolk, butcher, cattle-dealer, and horse-dealer; div.
- 1843, GREENSLADE William, of No. 26, Swinton-street, Gray's Inn-lane, Middlesex, builder; div.
- 1842, GRIMSHAW Josiah, of Rawcliffe, in Snaith, Yorkshire, grocer; second and final div.
- 1842, JOHNSON Mary, and William Johnson, of Cheadle, Staffordshire, grocers and ironmongers; div.
- 1842, PITT Henry, of Selby, Yorkshire, wine and spirit merchant, and tea and coffee dealer; second and final div.
- 1843, SALTER George, of No. 50, Davies-street, Middlesex, builder; div.
- 1844, STAPLES Charlotte, of Southampton, milliner; div.
- 1812, STEIN John, Thomas Smith, Robert Stein, James Stein, and Robert Smith, of Fenchurch-street, London, merchants, trading under the firm of Stein, Smith & Co.; fur joint div. of all, final sep. div. of John Stein, Thomas Smith, Robert Stein, and Robert Smith, and final joint div. of John, Robert, and James Stein, which three carried on the business of distillers at Canon-willa, in Edinburgh, and at Kilbagie, Clackmannanshire.
- 1840, STOCKDALE Robert, of No. 6, Crosby-square, London, merchant; div.

Gazette, Tuesday, July 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- COLLINSON Henry Weir, of No. 14, Stamford-street, in the county of Surrey, hat-maker, *d. c.*—Official assignee, Alsager.—Sols. Hodgson & Burton, Salisbury-street, Strand. Fiat, June 27. Pet. Crs. Louis Jean Baptiste Vandeau, Louis Anezine, Benjamin Vandeau, and Melton Azim, of King-street, West Strand, merchants.
- HARDING William, of Southampton-street, Camberwell, in the county of Surrey, grocer, *d. c.*—Official assignee, Green.—Sol. Jordonson, St. Mary at Hill. Fiat, June 27. Pet. Cr. William Denny Ruck, of Scovell Wharf, Tooley-street, cheesemonger.
- ROBERTS Frederick, of the parish of Handley, in the county of Chester, butcher, *d. c.*—Official assignee, Bird.—Sols. Nicholls & Co. Bedford-row, and Cunhah, Chester. Fiat, June 25. Pet. Crs. Ellis Roberts, of Malpas, Cheshire, butcher and farmer.
- SCOTT Thomas, of Colchester, in the county of Essex, baker.—Official assignee, Belcher.—Sol. Marriott, Colchester. Fiat, June 25. Pet. Cr. Simon Sampson, of Tollesbury, Essex, miller.

CERTIFICATES to be allowed July 23.

- Channell Harry, of Southampton, coal-merchant.
 Clark Theodore Frederick, of Liverpool, draper.
 Smith Robert, of Worcester, attorney.
 Wood George, of Ingram, banker.

DIVIDENDS.

Date of Fiat.

- 1843, BENTLEY Thomas, of Rawdon, Yorkshire, cloth-manufacturer; first and final div.
- 1839, BIRD John, of Maryport, Cumberland, druggist, grocer, and spirit-dealer; final div.
- 1843, BULLMAN Edward Kenyon, of Leeds, Yorkshire, cabinet-maker and upholsterer; first div.
- 1833, CHAPMAN John, of Liverpool, Lancashire, hosier and lace-man; fur div.
- 1841, DAVIES John, and Frederick Dickerson, of Plymouth, Devonshire, merchants; sep. div. of Dickerson.

Date of Fiat.

- 1843, ELLIOT John, of Sheffield, Yorkshire, merchant; final div.
 1843, FLETCHER Thomas, of Loscoe, Derbyshire, grocer; div.
 1815, FOWLER Daniel, and Robert Green, of Lime-street, London, merchants; joint div.
 1832, GRAVES George, of Skinburness, in Holme Cultram, Cumberland, innkeeper and varnish-manufacturer; final div.
 1843, GRIFFITHS Henry, of Chelford, Cheshire, innkeeper; first div.
 1844, HARRIS John Window, of Wolverhampton, Staffordshire, wine and spirit merchant; div.
 1844, HEWITT Henry Stephenson, of the Adelphi Hotel, in Manchester, Lancashire, licensed victualler; first div.
 1844, HODSON Thomas Collins, of Leominster, Herefordshire, linen-draper; div.
 1844, HOWARTH James, of Lee Mill, near Bacup, Lancashire, cotton-spinner and manufacturer; first div.
 1844, JOHNSON James Crawford, and William Chapman, of Manchester, Lancashire, manufacturing chemist; first div.
 1842, MENNELL Thomas, of Leeds, Yorkshire, cloth-merchant; final div.
 1843, NEWSOME Joseph, of Dewsbury, Yorkshire, blanket-manufacturer; first and final div.
 1844, PARKER David, of Manchester, Lancashire, hop-merchant and cheese-factor; first and final div.
 1843, PARKER John and Thomas & Co., of Woodhouse Carr, in Leeds, Yorkshire, dyers; final div.
 1844, PHILLOTT Robert, late of Clement's-lane, London, but now of Blagdon, Somersetshire, scrivener; div.
 1837, SHAW Thomas James, of Bishopwearmouth, Durham, mercer and draper; final div.
 1843, WARREN William, of Pownall Fee, in Wilmslow, Cheshire, blacksmith and pump-maker; first and final div.
 1843, WATSON Robert, of York, silk-mercator; final div.
 1843, WHITE Elizabeth, and Elizabeth Leith, of Worksop, Nottinghamshire, machine and agricultural implement makers; final div.
 1844, WOOD George, of Ingram, Northumberland, banker, one of the members, partners, shareholders, and proprietors of and in the banking company carrying on trade at Newcastle-upon-Tyne, and elsewhere, under the firm or title of the North of England Joint Stock Banking Company; first and final div.
 1843, WOOD William, and Henry Port, of Burton-upon-Trent, Staffordshire, screw-manufacturers; sep. divs.
 1843, WRIGHT James, of Horsforth Woodside, in Guiseley, Yorkshire, corn-miller and maltster; first and final div.

Gazette, Friday, July 5.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SPENCE Simeon Hartley, of Leeds, maltster.

TOWN AND COUNTRY FIATS.

- CASANAS Michael, of No. 32, Fenchurch-street, in the city of London, wine-merchant, d. c.—Official assignee, Belcher.—Sols. Messrs. Sole, Aldermanbury. Fiat, June 27. Pet. Cra. William Hitchcock, Richard Lewellin, and Christopher Truman, of Wood-street, warehousemen.
 HINDMARSH Thomas, of Hartlepool, in the county of Durham, grocer, butcher, salt and whitening manufacturer.—Official assignee, Wakley.—Sols. Wilson & Turnbull, Hartlepool. Fiat, June 25. Pet. Cra. Thomas Richardson, sen. and jun., of Castle Eden, Durham, timber-merchants.
 LODGE Richard, of Thornhill, in the county of York, innkeeper, d. c.—Official assignee, Freeman.—Sols. Wiglesworth & Co. Gray's Inn-square, and Cronhelm, Leeds. Fiat, June 26. Pet. Cra. William Wells and Tenney Newstead, of Leeds, wine and spirit merchants.
 PLANK Frederick, of Plymouth, in the county of Devon, perfumer and general dealer, d. c.—Official assignee, Hertz.—Sols. Lockyer & Bulteel, Plymouth, Surr, Lombard-street, and Moore, Exeter. Fiat, June 22. Pet. Cr. Henry M'Keever Westcott, of Plymouth, ironmonger and smith.

RAMSAY John, of Chapel-street, Somers-town, in the county of Middlesex, cheesemonger and trader, d. c.—Official assignee, Turquand.—Sols. Dods & Linklaters, Leadenhall-street, and St. Martin's-lane. Fiat, June 27. Pet. Cra. Henry Rawley and James Greaves, of New-street, Covent-garden, cheesemongers.

SKELTON Thomas Henry, of No. 48, Above-bar, in the town and county of the town of Southampton, stationer, printer, d. c.—Official assignee, Follett.—Sol. Cox, Finner's-hall. Fiat, June 31. Pet. Cr. Peter Simmons, of St. Mary Axe, account-book manufacturer.

STOKES Francis, late of No. 138, London-wall, in the city of London, importer and French warehouseman, d. c., lately carrying on business in copartnership with William Hare.—Official assignee, Alsager.—Sols. Lawrance & Plews, Bucklersbury. Fiat, July 1. Pet. Cr. Elizabeth Grape, of Eton, spinster.

SWAINE Thomas James, late of Hatfield Woodside, in the county of Hertford, innholder, but now of No. 2, Newland-street, East-square, Pimlico, in the county of Middlesex.—Official assignee, Groom.—Sols. Wade & Pennington, Frederick's-place, and Wade, Baldock. Fiat, June 28. Pet. Cra. Morris and John Pryer, of Baldock, Herts, brewers.

TANSLEY Peter, of No. 122, St. John-street, West Smithfield, in the county of Middlesex, straw-plait dealer.—Official assignee, Whitmore.—Sol. Hurst, Milk-street. Fiat, July 2. Pet. Cr. Joseph Linsell, of Finchingham, Essex, Tuscan-plait manufacturer.

VERNON John, of Monks Coppenhall, in the county of Chester, licensed victualler.—Official assignee, Morgan.—Sols. Froggatt, Clifford's Inn, and Latham, Sandbach. Fiat, June 25. Pet. Cra. James Moss and Ann Farr, of Sandbach, Cheshire, brewers and malt dealers.

CERTIFICATES to be allowed July 26.

Johnson Charles, of Rochdale, limestone dealer.

Jones Samuel, of Cheapside, jeweller.

Leicester Josiah, of Manchester, printer.

Farlow Charles, of Blackman-street, tailor.

Turner Robert, of Almondbury and Kirkburton, fancy-cloth manufacturer.

DIVIDENDS.

Date of Fiat.

- 1843, BRAND Henderson William, of Little Stanhope-street, Mayfair, Middlesex, cook; div.
 1843, BRITTAN Elizabeth, late of the Cross Keys Inn, Bath, Somersetshire, victualler, but now of No. 3, Augusta-place, Lyncombe-hill, in Lyncombe and Widcombe, said county, est of business; first and final div.
 1843, BROADHEAD John, of Stubbin, in Anstonley, in Almsbury, Yorkshire, woollen-cloth manufacturer; first and final div.
 1843, CHAMPION Richard, of Friday-street, London, furrier, carrying on business under the firm of R. Champion & Co. fur. div.
 1816, DAWSON William, of Wakefield, Yorkshire, money-scriver; final div.
 1844, DIXON John, of Sheffield, Yorkshire, linen-draper; div.
 1844, GOERTZ Henry, of New Windsor, Berkshire, upholsterer; div.
 1816, HARKER George, now or late of Sunderlandwick, Yorkshire, farmer and banker; first div.
 1843, HEMBROUGH Peter Thomas Bradbury, of Wakefield, Yorkshire, trading at Balne Mill, near Wakefield, under the firm of P. T. B. Hembrough & Co., as a worsted manufacturer; second and final div.
 1843, JOHNSON John, of Anston, Yorkshire, miller and timber-merchant; div.
 1843, LONSDALE Henry, of Sheffield, Yorkshire, grocer; second and final div.
 1843, SMITHSON William, of Thirsk, Yorkshire, linen and woollen draper; final div.
 1841, WHITMORE Edward, John Wells, John Wells the younger, and Frederick Whitmore, of Lombard-street, London, bankers, trading under the firm of Whitmore, Wells, & Whitmore; first joint div., and final sep. div. of John Wells.

Gazette, Tuesday, July 9.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BEAVIS Cornelius, of Shirley, in the parish of Millbrook, in the county of Hants, carpenter and builder.—Official assignee, Follett.—Sols. Hillier & Co. Raymond-buildings, and Usher, Southampton. Fiat, July 4. Pet. Cr. Thomas Arney, of Fordingbridge, Hants, yeoman.

COWARD William, of Hartlepool, in the county of Durham, bread-baker.—Official assignee, Baker.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, June 25. Pet. Crs. Thomas Wren, Joseph Wren, John Hansell Wren, and Thomas Wren, jun., of Stockton-upon-Tees, millers and corn-factors.

CROWDER John, and John Green, the younger, carrying on business at Macclesfield, in the county of Chester, as trimming manufacturers, in copartnership, under the style or firm of Crowder & Green.—Official assignee, Pott.—Sols. Hacker, Leek, Oliver, Manchester, and Falcon, Temple. Fiat, July 1. Pet. Cr. Joshua Wardle, of Cheddleton and Macclesfield, silk-dyer.

PAGE James, of Devonshire-terrace, Fulham-road, in the county of Middlesex, builder, *d. c.*—Official assignee, Pennell.—Sols. Richardson & Co. Golden-square. Fiat, July 3. Pet. Cr. John Christie and Joseph Rodgers, of No. 2, Clifton-street, Shepherd's-bush, stone-masons.

PORTWAY Augustus, of Braintree, in the county of Essex, tea-dealer, *d. c.*—Official assignee, Belcher.—Sols. Hardwick & Davidson, Basinghall-street. Fiat, July 6. Pet. Cr. John Bradbury and Jeremiah Greatorex, of Aldermanbury, warehousemen.

POTTER Albert, of Kidderminster, in the county of Worcester, carpet-manufacturer.—Official assignee, Valpy.—Sols. Boycott & Lucy, Kidderminster, and Rece, Birmingham. Fiat, June 26. Pet. Cr. George Butcher Lea, of Kidderminster, yarn-spinner.

REYNOLDS Charles Benjamin, of Devizes, in the county of Wilts, tailor, draper, and waterproofer.—Official assignee, Hutton.—Sol. Turner, Basinghall-street. Fiat, July 4. Pet. Cr. Octavius Wood, of King-street, Cheapside, woollen warehouseman.

SHAW Harry Morgan, of Newport, Isle of Wight, in the county of Hants, jeweller, *d. c.*—Official assignee, Bell.—Sols. Taylor & Collison, Great James-street. Fiat, July 3. Pet. Crs. Harding Butterfield and Henry John Toplis, of St. Paul's-churchyard, foreign warehousemen.

WOOD Jacob, and William Norton, of Fenay Bridge, in the parish of Kirkheaton, in the county of York, fancy-cloth manufacturers, now or late carrying on business at Fenay Bridge aforesaid, and elsewhere, as copartners in trade, *d. c.*, under the style, name, or firm of Jacob Wood & Company.—Official assignee, Fearn.—Sols. Lever, King's-road, Bedford-row, Robinson, Huddersfield, and Sanderson, Leeds. Fiat, July 1. Pet. Cr. Jane Hampshire, widow, of Fenay Bridge, Kirkheaton, innkeeper.

CERTIFICATES to be allowed July 30.

Bettison Samuel, of Leamington Priors, wine-merchants.
Stock John, of Leeds, linen-draper.
Everett Frederick Pryor, of Reading, draper.
Holmes Edward, of King-street, Cheapside, warehouseman.
Monteath William, of Oxford-street, linen-draper, (partner with John Alexander Smith).
Seddon Peter, of Middle Hulton, coal-dealer.
Wilkinson George, and Joseph Wilkinson, of Bishop Auckland, curriers.

DIVIDENDS.

Date of Fiat.

- 843, ABBOTT** Robert Tebbitt, and Alfred Thwaytes Tebbitt, of Birmingham, Warwickshire, wholesale tea-dealers and coffee-roasters, carrying on trade in Birmingham, under the style or firm of Abbott, Tebbitt & Co.; final sep. div. of Alfred Thwaytes Tebbitt.
- 838, ATCHERLEY** Roger Philip, of Whitchurch, Salop, mercer, draper and tailor; div.
- 842, BELL** Thomas, of Newcastle-upon-Tyne, tea-dealer, grocer and draper; final div.
- 841, BURTON** William, of No. 28, King-street, Soho, Middlesex, upholsterer; div.

Date of Fiat.

- 1841, BUTTERWORTH** Joshua, of the London Leather Warehouses, Bermondsey, and of Walcot-place, Lambeth, Surrey, leather-factor; div.
- 1844, EWART** John, and George Ewart, of Newcastle-upon-Tyne, auctioneers and partners; sep. div. of each.
- 1843, HAGUE** David, of Horsforth, Yorkshire, paper-manufacturer; first div.
- 1843, HARRINGTON** Charles, of Kidderminster, Worcestershire, glazier; div.
- 1839, HARRIS** Thomas, of John-street, America-square, London, merchant; final div.
- 1842, HEYWOOD** Charles Samuel, and William Heywood, both of Manchester, Lancashire, warehousemen, lately having a place of business also in Basinghall-street; second and final div.
- 1840, HICKMAN** Anne Rebecca, of Abergavenny, Monmouthshire, widow, victualler; final div.
- 1844, JACKSON** Charles Smith, of Leeds, Yorkshire, cloth-merchant; first and final div.
- 1816, JONES** Jane, of Ketley, in Wellington, Salop, grocer and draper; div.
- 1844, MULLER** Frederick John Henry, now or late of Nos. 6 and 7, Adde-street, Wood-street, London, furrier; div.
- 1844, THORPE** Henry, of Kensington, Middlesex, linen-draper; div.
- 1844, NEWTON** Thomas, of Holbeach, Lincolnshire, cattle-dealer and trader; div.
- 1844, PHILLIPS** George Edward, of Plymouth, Devonshire, saddler and harness-maker; div.
- 1836, ROSTRON** Lawrence, of Salford, Lancashire, and John Roston, of Edenfield, said county, manufacturers and merchants, carrying on business at Manchester, said county, and at Edenfield, under the firm of Roston, Brothers, copartners with James Roston, now or late of New York, in the United States of America, merchant; fur. div.
- 1839, SHARROCKS** William, and John Sharrocks, of Manchester, Lancashire, machine-makers; final div.

Gazette, Friday, July 12.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BIGGS Thomas, of the city of Bath, in the county of Somerset, woollen-draper, *d. c.*—Official assignee, Acraman.—Sols. Whittington & Castles, Bristol. Fiat, July 3. Pet. Crs. John and William Cousins, of Bristol, woollen-merchants.

BOND William, of Liverpool, Lancashire, publican and clock-maker, *d. c.*—Official assignee, Turner.—Sols. Nethersole, Essex-street, and Owen, Liverpool. Fiat, July 4. Pet. Cr. Peter Pickering, of Liverpool, butcher.

FORREST James Alexander, of Liverpool, in the county of Lancaster, glass-merchant and paint-manufacturer.—Official assignee, Bird.—Sols. Johnson & Co. Temple, Grocott, Liverpool, and Dodge, Liverpool. Fiat, July 5. Pet. Crs. William and Thomas Stock, of Liverpool, glass and lead dealers.

FRYER George, late of Portsea, in the county of Hants, but now of No. 30, Alfred-street, City-road, in the county of Middlesex, grocer.—Official assignee, Pennell.—Sols. Hall & Matthews, St. Mary Axe. Fiat, July 9. Pet. Crs. Richard Hubberfield, William Peck, and James Peck, of Love-lane, Eastcheap, tea-dealers.

GRIFFITHS Thomas, of Stoke-upon-Trent, in the county of Stafford, tailor and draper.—Official assignee, Valpy.—Sols. Middleton, Stone, and Hodgson, Birmingham. Fiat, July 1. Pet. Cr. Esther Griffiths, of Winchester, spinster.

MARCOTELLE François Emanuel Carnel de la, of No. 38, Fenchurch-street, in the city of London, trading under the firm of Louis Emile Pricener & Co. merchant, *d. c.*—Official assignee, Johnson.—Sol. James, Basinghall-street. Fiat, July 3. Pet. Crs. Michael Lombardi and Francis Musso, of Turin, in the kingdom of Sardinia, merchants.

SOUTHEY Simon, of South-street, Finsbury-market, and No. 110 Kingsland-road, both in the county of Middlesex, cabinet

niture manufacturer.—Official assignee, Edwards.—Sol. Watson, Worship-street. Fiat, July 4. Pet. Cr. Richard Morman, of New Broad-street, merchant.

THORN Thomas Gauge, of the town and county of the town of Southampton, builder, and wine and porter merchant, *d. c.*—Official assignee, Graham.—Sols. Fitch, Gray's Inn, and Stace, Southampton. Fiat, July 2. Pet. Cr. John Thursby, of Southampton, builder.

WEIR William, of the city of Carlisle, in the county of Cumberland, iron-merchant, *d. c.*—Official assignee, Wakley.—Sols. Mounsey & Gray, Staple Inn, Bendle, Carlisle, and Hoyle, Newcastle. Fiat, July 2. Pet. Cr. William Sturdy, of Carlisle, gent.

WHITTAKER Henry, of Macclesfield, in the county of Chester, silk-throwster.—Official assignee, Fraser.—Sols. Lowe & Co. Southampton-buildings, Brocklehurst & Bagshaw, Macclesfield, and Slater & Heelis, Manchester. Fiat, July 1. Pet. Cr. Edwin Wilton, of Manchester, silk-manufacturer.

WOOD William Robert, of Brighton, in the county of Sussex, dentist, *d. c.*—Official assignee, Pennell.—Sol. Lambe, Bucklersbury. Fiat, July 10. Pet. Cr. Thomas Fuller, of Brighton, gent.

CERTIFICATES to be allowed August 2.

Cleeve Henry, of Rettenden and Edgeware-road, cowkeeper.

Deakins Joseph, of Elmley Castle, horse-dealer.

Emmins William, of Brompton, builder.

Fuller Samuel, of Gutter-lane, warehouseman, (partner with Alfred Rabett).

Howarth James, of Lee Mill, near Bacup, cotton-spinner.

Hubbock William, of South Shields, pawnbroker.

Hudson James, of Fore-street, leather-seller, (partner with William Maton).

Nicholl William, of Halifax, spinner and cattle-dealer.

Palmer James, of Lynn, draper.

Phillips George Edward, of Plymouth, saddler.

Pritchard John, of Witney, iron-founder and brick-maker.

Roby Joseph Hewitt, of George-street, Mansion-house, coffee-house keeper.

Syer James Joseph Iron, of Bridge-street, undertaker.

DIVIDENDS.

Date of Fiat.

1844, **ALDEN** Henry, of Queen-street, Oxford, stationer and printer; div.

1829, **GLOVER** Edward, the younger, of Leicester, ironmonger and silversmith; div.

1844, **HARDLEY** John, of West Mills, Newport, Isle of Wight, Hants, miller; div.

1826, **HINE** Richard, of Sutton, near Macclesfield, Cheshire, grocer; final div.

1843, **MANNING** Frederick John, of No. 2, Dyer's-buildings, London, money-scrivener; div.

Gazette, Tuesday, July 16.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SWIFT Edward, of Chingford Mills, miller.

TOWN AND COUNTRY FIATS.

BANISTER Robert, of Portsea, in the county of Hants, draper, *d. c.*—Official assignee, Green.—Sols. Reed & Shaw, Friday-street. Fiat, July 8. Pet. Crs. Sampson Copestake, Richard Groucock, and George Moore, of Bow-churchyard, lace-manufacturers.

GREEN Tom Walter, of Leeds, in the county of York, bookseller and printer, *d. c.*—Official assignee, Young.—Sols. Dyneley & Co. Bedford-row, Shepherd & Simpson, Beverley, and Harle, Leeds. Fiat, July 6. Pet. Cr. Thomas Shepherd, of Beverley, gent., Christopher Scott Machell, of Beverley, esq., and the Rev. Samuel Shepherd, of North Somercoates, Lincolnshire, clerk.

GORDON Thomas Loram, of Rack-street, in the city of Exeter, cabinet-maker and timber-dealer.—Official assignee, Hertsel.—Sols. Laidman, Exeter, and Clowes & Wedlake, Temple. Fiat, July 11. Pet. Cr. Richard Ellacott, of Kentsbeer, Devonshire, farmer.

HAMMOND Samuel, the younger, of Upminster, in the county of Essex, market-gardener, *d. c.*—Official assignee, Alanger.—Sol. Davidson, Bread-street. Fiat, July 10. Pet. Cr. William Arbury, of Bishopgate-street, stay-maker.

KASNER Barnett, of No. 16 B, Old Cavendish-street, Cavendish-square, in the county of Middlesex, jeweller.—Official assignee, Groom.—Sols. Rhodes & Lane, Chancery-lane. Fiat, July 1. Pet. Cr. John Ridge, of Lower Grosvenor-street, tailor.

LORAIN John Lambton, of the borough and county of Newcastle-upon-Tyne, wine-merchant and commission-agent.—Official assignee, Baker.—Sols. Clayton & Cookson, New-square, Lincoln's Inn, and Claytons & Dunn, Newcastle. Fiat, July 8. Pet. Cr. Noel Thomas Smith, of Newcastle-upon-Tyne, doctor of medicine.

PEARCE Thomas, of No. 239, Bermondsey-street, in the parish of Bermondsey, in the borough of Southwark, in the county of Surrey, trippeman, *d. c.*—Official assignee, Groom.—Sols. Hilkey & Co. Fenchurch-street. Fiat, July 6. Pet. Cr. William Richard Wiseman, of Grange-road, Bermondsey, butcher.

SMITH William Bestoe, of Sudbury, in the county of Suffolk, surgeon and apothecary.—Official assignee, Whitmore.—Sol. Marson, Torrington-square. Fiat, July 8. Pet. Cr. Edmund Stedman, of Sudbury, gent.

SYLVESTER Edmund, of Agar's-field, St. Pancras-road, in the county of Middlesex, contractor, *d. c.*—Official assignee, Edwards.—Sols. Collins & Rigley, Crescent-place, Bridge-street. Fiat, July 15. Pet. Cr. Frederick Wiggins, of Ship-yard, Bridge-street, Blackfriars, contractor.

WILLIAMS Henry, of Farringdon, in the county of Berks, grocer, tea-dealer, and cheese-factor, *d. c.*—Official assignee, Pollett.—Sols. White & Co. Bedford-row, and Crowdy & Co. Farringdon. Fiat, July 12. Pet. Cr. Thomas James, of Wickwood, Berks, yeoman.

WILLIAMS William Henry, of Martock, in the county of Somerset, linen-draper, *d. c.*—Official assignee, Herniman.—Sol. Stedman, Aldermanbury. Fiat, July 4. Pet. Crs. William Devas, William Devas, jun., and Thomas Devas, of Lawrence-lane, Joseph Oldroyd, Robert Hodgson, and James Morton, of Bread-street, James Allen and Margaret Chubb, of Cheapside, Richard Groucock, Sampson Copestake and George Moore, of Bow-churchyard, warehousemen.

WILSON James Godfrey, of No. 12, Standard Factory, Wenlock-basin, Wharf-road, City-road, in the county of Middlesex, engineer, *d. c.*—Official assignee, Edwards.—Sols. Nias, Copthall-court, Throgmorton-street. Fiat, July 10. Pet. Cr. William Smith, of Watling-street, builder.

CERTIFICATES to be allowed August 6.

Barstow Thomas, sen., Joseph Jackson, and Thomas Barstow, jun., of Birmingham, brewers.

Gibson Job, of Kirtion-in-Lindsey, grocer.

Knight Kempster Hughes, of Chichester, victualler.

Lewis Ralph, of Mold, wine-merchant.

Little William, of Liverpool, stay-manufacturer.

Povey William, of Ashton-under-Lyne, grocer.

Spencer John Russell, of Halstead, tanner.

DIVIDENDS.

Date of Fiat.

1844, **ARNOLD** John, the younger, of Farndon, Cheshire, and Henry Arnold, of Derby, carrying on business at Derby together as cheese-factors and merchants; div.

1843, **BAGSHAW** Thomas, of Buxton, Derbyshire, innkeeper; first and final div.

1842, **CARR** William, and John Coull Carr, carrying on business as merchants, in Sunderland, Durham; final sep. div. of John Coull Carr.

1844, **ELLIOTT** James, of Caxton, Cambridge, innkeeper; div.

1843, **GOWING** John Seed, of Lowestoft, Suffolk, grocer and general shopkeeper; div.

1843, **KING** John, of Kingston-upon-Hull, mercer and draper; div.

1842, **MOORE** Samuel, of King William-street, London-bridge, London, woollen-draper; final div.

1844, **PARK** George, of Charles-street, Commercial-road, Stepney, Middlesex, cowkeeper and dairyman; div.

1788, **SANDEMAN** David, and Andrew Graham, of John-street, near America-square, London, merchants; final div.

Date of Fiat.

- 1842, **SLY** Stephen, of Bouverie-street, Fleet-street, London, and of Cornwall-road, Lambeth, Surrey, engraver and colour printer; final div.
- 1844, **SMITH** Noel Thomas, the younger, of Lime-street, London, carrying on business under the firm of Noel Thomas Smith & Co.; div.
- 1842, **SPARHAM** John, late of Froston, Suffolk, miller and maltster; div.
- 1843, **STONE** William, of Birmingham, Warwickshire, printer and bookseller; div.
- 1840, **TAYLOR** Joseph, of Middlesbrough, Yorkshire, coal-fitter, carrying on business under the style and firm of the Tees Coal Company; final div.

Gazette, Friday, July 19.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CARRUTHERS** John, of Blackburn, in the county of Lancaster, linen and woollen draper, tea-dealer, *d. c.*—Official assignee, Stanway.—Sols. Milne & Co. Temple, and Wilding & Fisher, Blackburn. Fiat, July 16. Pet. Cr. George Johnston, of Blackburn, draper and tea-dealer.
- COPE** Charles, of the parish of Edgbaston, in the county of Warwick, wine-merchant, commission-agent, lodging-house keeper, *d. c.*—Official assignee, Bittleston.—Sol. Reece, Birmingham. Fiat, July 15. Pet. Crs. Edward Everitt, professor of dancing, and James Catell, wholesale haberdasher, both of Birmingham.
- HARVEY** Thomas, of the Eagle Hotel, Wandsworth, in the county of Surrey, innkeeper, wine-merchant, *d. c.*—Official assignee, Groom.—Sol. Bird, Lincoln's Inn-fields. Fiat, July 15. Pet. Crs. Henry Butler and George Greenwood, of Fenchurch-street, wine-merchants.
- HUNTER** Benjamin Harrison, of Liverpool, in the county of Lancaster, merchant and dealer.—Official assignee, Turner.—Sols. Gregory & Co. Bedford-row, and Littledale & Bardwell, Liverpool. Fiat, July 12. Pet. Cr. George Campbell, of Liverpool, merchant.
- SMITH** James, and Henry Titford, of No. 10, King-street, Snowhill, in the city of London, engravers, printers, *d. c.*—Official assignee, Follett.—Sol. Jenkinson, Cannon-street. Fiat, July 16. Pet. Cr. Charles Thomas Jenkinson, of No. 76, Cannon-street, solicitor.
- TRUTH** William, late of No. 5, Barkham-terrace, St. George the Martyr, Southwark, in the county of Surrey, china clay-merchant, and also late tanner, currier, and japan leather manufacturer, carrying on business under the firm of J. Hiatt & Company, at Wild's-vents, Bermondsey, in the said county of Surrey.—Official assignee, Green.—Sol. Cooke, Halfmoon-street. Fiat, July 10. Pet. Cr. Edward Hookham, jun., of No. 31, Francis-street, Newington, Surrey, gent.

Erratum.—In the Gazette, June 4, page 30, under the Bankruptcy of Norman and Buckman, for "Henry," read *Edwin* Buckman.

CERTIFICATES to be allowed August 9.

- Arrowsmith Edmund, of Burnley, tailor and undertaker.
- Brothers Samuel, of Newcastle-under-Lyme, currier.
- Goeritz Henry, of New Windsor, upholsterer.
- Mansell William Washington, of Alfred-street, Bedford-square, bill-broker.
- Reeve Edwin, of Liverpool, fruiterer.
- Slack James, of Manchester, filtering machine manufacturer.
- Twining Charles, of Peckham, brewer, (partner with Henry Andrews).

DIVIDENDS.

Date of Fiat.

- 1844, **ARNATT** Edward, of Market-street, Oxford, baker; div.
- 1843, **DUNNAGE** William, and Isaac Dunnage, both of Tooley-street, Surrey, plumbers, painters, and glaziers; div.
- 1840, **FOZZARD** Edward, late of Dobcross, in Saddleworth, Yorkshire, dyer, but now of Tamewater, in Saddleworth, dyer; first and final div.
- 1843, **PEARSALL** Charles, of Anderton, Cheshire, boiler-maker and salt-pan manufacturer; final div.
- 1840, **ULYATT** Jeremiah, of Crowland, Lincolnshire, cattle-dealer; div.

B. BANKR. 1844.

Gazette, Tuesday, July 23.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- AVERY** John, of No. 37, Mincing-lane, in the city of London, and of No. 5, Cumberland-place, Old Kent-road, in the county of Surrey, colonial broker, *d. c.*—Official assignee, Alsager.—Sol. Wright, London-street. Fiat, July 18. Pet. Cr. Samuel Tompsett, of Billiter-street, merchant.
- DAVIS** Edward Frankcom, of Old Market-street, in the city and county of Bristol, ironmonger and cutler, *d. c.*—Official assignee, Kynaston.—Sol. Harley, Bristol. Fiat, July 11. Pet. Crs. Alfred Francis and Abraham Darby, of Madely, iron-masters.
- DREW** Robert, of the Builders' Arms public-house, Compton-street, Regent's-square, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Turquand.—Sols. Vandercom & Co. Bush-lane. Fiat, July 16. Pet. Crs. Edward Sexton Perry Calvert, William Henry Calvert, Felix Ladbroke, and Felix Calvert, of Upper Thames-street, brewers.
- DUNBAR** John, the elder, of No. 187, Tottenham-court-road, in the county of Middlesex, iron-founder, *d. c.*—Official assignee, Groom.—Sol. Billing, King-street. Fiat, July 20. Pet. Cr. John Maurice Jones, of Lancing, near Worthing, schoolmaster.
- DUNPHY** John, of the Bull Inn, Burford, in the county of Oxford, victualler, *d. c.*—Official assignee, Green.—Sol. Holmer, Bridge-street, Southwark. Fiat, July 6. Pet. Crs. John Strofton and John Carter, of South Molton-street, wine-merchants.
- FAIRFIELD** James, of Tranmere, in the county of Chester, and also of Liverpool, in the county of Lancaster, corn-merchant, *d. c.*—Official assignee, Turner.—Sols. Humphreys & Co. Chancery-lane, and Hetherington & Co. Liverpool. Fiat, July 19. Pet. Cr. William Cooper, of Drumittaconor, near Ballinahinch, in the county of Down, Ireland, linen-merchant.
- HAW** Eliza Ann, of No. 52, Moorgate-street, in the city of London, tavern-keeper, *d. c.*—Official assignee, Green.—Sols. Robinson, Ironmonger-lane, and Lawrance & Plews, Bucklersbury. Fiat, July 18. Pet. Cr. Thomas Henry Peacock, of No. 5, Cannon-street, butcher.
- LARKE** James Benaly, of East Harding, in the county of Norfolk, draper and general shopkeeper, *d. c.*—Official assignee, Pennell.—Sols. Storey, Gray's Inn-place, and Gillman, Norwich. Fiat, July 16. Pet. Cr. William Drane, of Norwich, land-surveyor.
- PIM** John, of Clapham-common, in the county of Surrey, and of Stoke Newington, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Belcher.—Sols. Hardwick & Davidson, Weavers' Hall. Fiat, July 15. Pet. Crs. Jeremiah Greatorex and John Bradbury, of Aldermanbury, warehousemen.
- ROYLE** James, of Manchester, in the county of Lancaster, corn and flour dealer, *d. c.*—Official assignee, Pott.—Sols. Milne & Co. Temple, and Crossley & Sudlow, Manchester. Fiat, July 16. Pet. Crs. John Moss and Joseph Fletcher, of Manchester, corn-merchants.
- THOMPSON** Matthew, of Saffron Walden, in the county of Essex, ironmonger.—Official assignee, Alsager.—Sols. Rhodes & Co. Chancery-lane. Fiat, July 13. Pet. Crs. Henry Rowson, of Upper Thames-street, ironmongers.
- TOBIAS** Isaac, of Dudley-street, Birmingham, in the county of Warwick, factor, *d. c.*—Official assignee, Christie.—Sols. Messrs. Ryland, Birmingham. Fiat, July 15. Pet. Cr. William Hoole, of Sheffield, merchant and manufacturer.
- WHITMARSH** Thomas Henry, late of the Green Man Hotel, Blackheath, in the county of Kent, and now of George-street, Hanover-square, in the city of Westminster, hotel-keeper, tavern-keeper, coffee-house keeper, *d. c.*—Official assignee, Alsager.—Sols. Stevens & Co. Queen-street. Fiat, July 11. Pet. Crs. William Ayscough Wilkinson and Charles Wilkinson, of Ludgate-hill, upholsterers.
- WILLIAMSON** William Hotton, of Dowgate-hill, in the city of London, tobacconist, *d. c.*—Official assignee, Groom.—Sols. Messrs. Lawrance, Old Fish-street. Fiat, July 19. Pet. Cr. Joseph Sykes, of Bread-street-hill, tobacco-manufacturer.
- YALE** Richard, of Leeds, in the county of York, carrying on the business (in copartnership with Richard Jackson) of engineers, machine-makers, and iron and brass founders, under the firm of Fenton, Murray, and Jackson, *d. c.*—Official assignee, Freeman. Sols. Mitton, Southampton-buildings, Shaw, Leeds, and Dunning & Stawman, Leeds. Fiat, July 16. Pet. Cr. John Millar, of Leeds, engineer.

CERTIFICATES to be allowed August 13.

Aldersey John, jun., of Liverpool, broker.
 Bird John, of St. John's-square, watch-manufacturer.
 Bradley William, of Leeds, ironmonger.
 Robertson David, of Liverpool, merchant.
 Shillitoe Ambrose, of Sudbury, innkeeper.
 Symonds Samuel, sen., and Samuel Symonds, jun., of Basinghall-street, woollen-factors.
 Woodroffe Samuel, of Chepstow, wine-merchant.

DIVIDENDS.

Date of Fiat.

1817, DIXON John, of Wellington, Salop, mercer and grocer; final div.
 1843, JONES Thomas William, of Wellington, Salop, draper and mercer; final div.
 1844, NASH William Henry, and William Gardiner, of Exeter, drapers; joint and sep. divs.
 1844, PRITCHARD Edward, of Liverpool, Lancashire, wine and spirit merchant; div.
 1843, SCOTT Charles, of Newcastle-under-Lyme, Staffordshire, currier; final div.
 1843, SMITH David, of Midgley, in Halifax, Yorkshire, worsted-manufacturer; first div.
 1843, SOUTHAM William, of the Birchills, in Walsall, Staffordshire, miller; div.
 1842, SPEAKMAN Samuel, of Preston, Lancashire, ship and boat builder; final div.
 1844, WETMORE Thomas Hewett, of Broad-street, Worcester, grocer and tea-dealer; div.
 1844, WRIGHT Herbert Hancox, of Hatton Grange, in Shiffnal, Salop, cattle-dealer; div.

Gazette, Friday, July 26.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

ANDREW Thomas Bentley, of Ashton-under-Lyne, in the county of Lancaster, tea-dealer.—Official assignee, Fraser.—Sols. Gregory & Co. Bedford-row, and Ascroft, Oldham. Fiat, July 18. Pet. Cr. James Parker, of Oldham, draper.
 CRAVEN George, the younger, and Henry Craven, of Wakefield, in the county of York, and of Rochdale, in the county of Lancaster, corn-millers, maltsters, &c.—Official assignee, Fearn.—Sols. Fidley, Temple, Markland, Leeds, and Dunning & Stawman, Leeds. Fiat, July 20. Pet. Crs. Ralph Markland and John Scott, sen. and jun., of Leeds, corn-factors.
 DAVIES John, and Richard Davies, of Nos. 70 and 71, Chiswell-street, in the parish of St. Luke, in the county of Middlesex, linen-drappers, &c. and copartners.—Official assignee, Bell.—Sol. Goddard, Wood-street. Fiat, July 25. Pet. Crs. Peter Jackson and Joseph Watson, of No. 36, Wood-street, silk and ribbon warehousemen.
 DEACON Henry, of No. 70, Waterloo-road, in the county of Surrey, coal-merchant.—Official assignee, Follett.—Sol. Silvestre, Great Dover-street. Fiat, July 24. Pet. Cr. George Kirby, of No. 34, Surrey-street, Strand, lodging-house keeper.
 M'DIVITT Michael, of Liverpool, in the county of Lancaster, merchant and commission-agent.—Official assignee, Turner.—Sols. Holme & Co. New Inn, and Yates, jun., Liverpool. Fiat, July 18. Pet. Cr. William Winn, of Liverpool, flax-merchant.
 MOORE George, of Middlesbrough, in the county of York, grocer, draper, and tailor, &c.—Official assignee, Hope.—Sols. Dixon, New Boswell-court, Myers, Middlesbrough, and Bond, Leeds. Fiat, July 13. Pet. Cr. Nathaniel Stonehouse, of Marske, Yorkshire, miller.
 MUNRO Isaac, of No. 5, Princes-street, Leicester-square, and of No. 21, Manchester-buildings, Westminster, in the county of Middlesex, builder, (surviving partner of Thomas Matthews, deceased).—Official assignee, Whitmore.—Sol. Ford, Bloomsbury-square. Fiat, July 25. Pet. Cr. Alexander Marshall, of Broad-street, Bloomsbury, glass-cutter.
 WATSON Adam, George Mackenzie, and Murdock Mackenzie, of Liverpool, in the county of Lancaster, ship-brokers.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Watson,

Liverpool. Fiat, July 17. Pet. Crs. John Biddle Amey and James Catto, of Liverpool, merchants.

WILLIAMS Samuel Fisher, of Liverpool, in the county of Lancaster, hosier and laceman.—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Tyrer, Liverpool. Fiat, July 24. Pet. Crs. George Sharp, Joseph Odell, and William Jury, of Coventry, ribbon-manufacturers.

WILLIAMS Rees, of St. Maryleport-street, in the city and county of Bristol, dealer in butter, cheese and bacon, &c.—Official assignee, Miller.—Sols. Messrs. Bevan, Bristol. Fiat, July 14. Pet. Crs. George Downing and William Smith, of Bristol, merchants.

CERTIFICATES to be allowed August 16.

Clark Joseph, of Mincing-lane, colonial-broker.
 Field George, of Bond-court, Walbrook, packer.
 Gibbins Joseph, of High-street, Marylebone, carpenter.
 Hodson Thomas Collins, of Leominster, linen-draper.
 Morrey George, of Stratford-on-Avon, publican.
 Muller Frederick John Henry, of Adde-street, furrier.
 Peaten John, of Paddington-street, ironmonger.
 Robertson William Millar, of Fleet-street, auctioneer, (partner with Henry Southgate).
 Sadler George, of Cheltenham, draper.
 Wagstaff Alfred Henry, of Leighton Buzzard, apothecary.
 Wildey John, jun., of Nottingham, upholsterer.

DIVIDENDS.

Date of Fiat.

1844, COOPER John, of Stoney-lane, Southwark, Surrey, wheelwright and smith; div.
 1842, GATEHOUSE Charles, of Chichester, brewer and corn-merchant; div.
 1843, GODWIN Henry Morgan, and Charles Lee, of Bishopgate-street Within, London, ship-owners and ship and insurance brokers; joint div., and sep. div. of Godwin.
 1819, PHILLIPS Richard, of Exeter, chemist and druggist; div.
 1844, SMITH John, of Warwick, wine and spirit merchant; div.

Gazette, Tuesday, July 30.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

BAIL Jonathan, of Salisbury, in the county of Wilts, cabinet-maker and upholsterer.—Official assignee, Green.—Sol. Kirk, Symonds' Inn. Fiat, July 27. Pet. Cr. John Scott, of Oxford-street, upholsterer.
 BARLOW John, of Congleton, in the county of Chester, silk-throster, silkman, &c.—Official assignee, Edwards.—Sol. Hudson, Bucklersbury. Fiat, July 20. Pet. Crs. Frederick and James Pattison, of Old Broad-street, merchants.
 GRANTHAM George, of Manchester, in the county of Lancaster, grocer.—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Dearden, Manchester. Fiat, July 25. Pet. Cr. John Hunter, Thomas Binyon, and Edward Binyon, of Manchester, tea-dealers.
 JENKINS John, of Crown-place, Old Kent-road, in the county of Surrey, currier and leather-seller.—Official assignee, Whitmore.—Sol. Williams, Alfred-place, Bedford-square. Fiat, July 23. Pet. Crs. Richard and John Lees, of Barge-yard, Bucklersbury, and Wolverhampton, factors.
 MASON Samuel Morris, of Wigston Magna, in the county of Leicester, maltster.—Official assignee, Whitmore.—Sols. Gregory, Leicester, and Mottram & Giddey, Birmingham. Fiat, July 13. Pet. Cr. William Gregory, of Leicester, attorney.
 RODD Horatio, of Great Newport-street, Long-acre, in the county of Middlesex, commission-agent, &c.—Official assignee, Alagar.—Sols. Collins & Rigley, Crescent-place, Bridge-street. Fiat, July 24. Pet. Cr. Edward Apps Smith, of Brown's-buildings, Kensington, gent.
 SMITH James, of No. 32, Southampton-street, Strand, in the county of Middlesex, newspaper publisher, advertising and news agent, &c.—Official assignee, Belcher.—Sols. Maltby & Otter, Old Broad-street. Fiat, July 26. Pet. Crs. Michael Augustus Gathercole, of Barking, clerk, and the Rev. Edwin Beaumont, his partner.

CERTIFICATES to be allowed August 20.

Adams Thomas, of Newport, publican.
 Brown William, of Rickmansworth, auctioneer.
 Cattaneo Peter, and Joseph Cattaneo, of Reigate, jewellers.
 Dowle James, of Chepstow, wine-merchant.
 Foakes John, of Mitcham, market-gardener.
 Grestley George, of Hatton-garden, jeweller.
 Harris John Window, of Wolverhampton, wine-merchant.
 Lynn William, of Liverpool, hotel-keeper.
 Maclean James, of Somerset-street, carpenter.
 Meredith Stephen, of Leek, linen-draper.
 Montefiore Jacob, and Joseph Barrow Montefiore, of Nicholas-lane, merchants.
 Newton Charles, and Charles Wilson Worrasam, of Kingsland Basin, engineer.
 Ogden Mary, of Davies-street, Berkeley-square, watch-maker.
 Parker David, of Manchester, hop-merchant.
 Richardson Richard, of Manchester, gambroon-manufacturer.
 Squires George Frederick, of Emmett-street, Poplar, plumber, (partner with Jeremiah Squires).

DIVIDENDS.

Date of Fiat.
 1844, HAYWARD Elizabeth, of Castle Hedingham, Essex, inn-keeper; div.
 1843, LAUGHTON Enderby, late of Wisbeach St. Peter's, Cambridge, brewer; div.
 1843, LINES Samuel Bindley, of Oldbury, in Halesowen, Salop, grocer; final div.
 1844, PLEDGE John, of Vauxhall-street, St. Mary, Lambeth, Surrey, bricklayer, carpenter, and builder; div.
 1843, THORNEYCROFT Edward, the younger, and George Thorneycroft, the younger, both of Wolverhampton, Staffordshire, iron-manufacturers, now or lately carrying on business at Victoria Iron Works, Wednesbury, said county, under the style or firm of Edward Thorneycroft and George Thorneycroft, jun., final div.
 1844, TURNER Robert, of Woodsome Lees, in Almondbury, and of Highburton, in Kirkburton, both near Huddersfield, Yorkshire, trading under the firm of Robert Turner & Co., as a fancy cloth manufacturer; div.
 1843, WEBSTER John, of Sheffield, Yorkshire, newspaper proprietor, printer, and publisher; div.

Gazette, Friday, August 2.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

ANDREW John, of Maryport, in the county of Cumberland, gentleman, heretofore of Ramsey, in the Isle of Man, banker, and lately carrying on business at Douglas, in the said Isle of Man, as a member, partner, or shareholder, together with divers other persons, of and in a certain joint-stock banking company or copartnership there established, under the name, style, or firm of the Isle of Man Joint Stock Banking Company, but which bank has now ceased to carry on business.—Official assignee, Wakley.—Sols. Tyson, Maryport, Cram, Newcastle, and Gregory & Co. Bedford-row. Fiat, July 18. Pet. Cr. William Graham, of Douglas, in the Isle of Man, farmer.

BOND Charles, of March, in the county of Cambridge, leather-seller and boot and shoe maker.—Official assignee, Pennell.—Sol. Jenkinson, Cannon-street. Fiat, July 29. Pet. Cr. Charles Frederick Sale, of Gun-alley, Bermondsey, leather-seller.

BRIGHT Benjamin, of No. 40, Wigmore-street, in the parish of St. Marylebone, in the county of Middlesex, licensed victualler, silversmith and jeweller.—Official assignee, Follett.—Sol. Shaw, Basing-lane. Fiat, Aug. 1. Pet. Crs. John Osmond and John Seabrook, of Rood-lane, wine-merchants.

HERON James, of South Blyth, in the county of Northumberland, ship-owner and ship-broker.—Official assignee, Baker.—Sols. Wheldon, North Shields, and Crosby & Compton, Church-court, Old Jewry. Fiat, July 23. Pet. Crs. Henry and Edmund Richardson, of Warkworth, Northumberland, farmers.

HERON Edward, of South Blyth, in the county of Northumberland, ship-owner and butcher.—Official assignee, Baker.—Sols. Wheldon, North Shields, and Crosby & Compton, Church-court, Old Jewry. Fiat, July 23. Pet. Crs. Henry and Edmund Richardson, of Warkworth, Northumberland, farmers.

KEMP Thomas, and Richard Davies, of Moseley-street, in the parish of Aston, nigh Birmingham, in the county of Warwick, builders and copartners, d. c.—Official assignee, Bittleston.—Sol. Tarleton, Birmingham. Fiat, July 25. Pet. Cr. George Richardson, of Aston, nigh Birmingham, plumber and glazier.

MAY William, of Liverpool, in the county of Lancaster, and of New Ferry, in the county of Chester, some time since carrying on business in Liverpool aforesaid, in copartnership with one George Atkinson, under the style or firm of May & Atkinson, provision merchants, afterwards carrying on business, in Liverpool aforesaid, in copartnership with one Henry Campion Thompson, under the style or firm of May & Thompson, wine-merchants, and afterwards carrying on business alone as a spirit-merchant, in Liverpool aforesaid, as a commission-agent.—Official assignee, Turner.—Sols. Jay, Serjeants' Inn, and Brown, Liverpool. Fiat, July 24. Pet. Cr. Agnes Bateman, of Ulverstone, confectioner.

TREGGAR Ann, and Thomas Crump Lewis, of No. 96, Cheapside, in the city of London, pianoforte, print, and music sellers, d. c. and copartners in trade.—Official assignee, Belcher.—Sols. Lawrance & Plews, Bucklersbury. Fiat, July 31. Pet. Cr. — Davis, of Newgate-street, importer of fancy goods.

WALKER Edward, of Newman-street, Oxford-street, in the county of Middlesex, auctioneer, upholsterer, cabinet-maker, d. c.—Official assignee, Alsager.—Sol. Church, Spital-square. Fiat, July 31. Pet. Cr. Edward Allen Skeen, of Montague-street, Spitalfields, timber-merchant.

WILLIS James, of No. 1, Spring-street, Portman-square, in the county of Middlesex, green-grocer and fruiterer, d. c.—Official assignee, Belcher.—Sols. Burrell & Paterson, White Hart-court, Lombard-street. Fiat, Aug. 1. Pet. Cr. Frances Shotter, of Mortimer-street, Cavendish-square, spinster.

CERTIFICATES to be allowed August 23.

Banner Francis, of Upper Thames-street, provision-merchant.
 Chapman William, of Manchester, manufacturing chemist, (partner with James Crawford Johnson)
 Marrian Thomas, of Sheffield, brewer.
 Sudd John, of Blackman-street, paper-stainer, (partner with Charles Killick).

DIVIDENDS.

Date of Fiat.
 1837, BROWN William, and William Andrews, of Leeds, Yorkshire, cloth-dressers and merchants; div.
 1843, TAYLOR George, of Moreton in the Marsh, Gloucestershire, mercer and draper; final div.
 1843, THORNEYCROFT Edward, the younger, and George Thorneycroft, the younger, both of Wolverhampton, Staffordshire, iron-manufacturers, now or lately carrying on business at Victoria Iron Works, Wednesbury, Staffordshire, said county, under the style or firm of Edward Thorneycroft and George Thorneycroft, jun.; final joint div., and sep. div. of George Thorneycroft, jun.

Gazette, Tuesday, August 6.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

CARTER Thomas, the younger, of Waltham, in the county of Leicestershire, butcher, maltster, d. c.—Official assignee, Whitmore.—Sol. Smith, Birmingham. Fiat, July 29. Pet. Cr. William Carter (known as William Johnson), of Waltham, Leicestershire, farmer.

EDWARDS Robert, of Aberdovey, in the county of Merioneth, draper, grocer, d. c.—Official assignee, Bird.—Sols. Oliver, Old Jewry, and Evans, Liverpool. Fiat, July 17. Pet. Cr. Joseph Jones, of Liverpool, grocer.

JACKSON Richard, and Richard Yale, of Leeds, in the county of York, engineers, machine-makers, iron and brass-founders, d. c. and copartners in trade, carrying on business at Leeds aforesaid, under the style or firm of Fenton, Murray, and Jackson.—Official assignee, Young.—Sols. Parkes & Co. Bedford-row, Tyas, Barnsley, and Blackburn, Leeds. Fiat, July 29. Pet. Crs. Andrew Faulds and Mary Anne, his wife, of Worsbrough, Yorkshire, coal-masters.

MANLEY Elizabeth, of Chapel-street, and of No. 70, Strutton-ground, both in the city of Westminster, in the county of Middlesex, boot and shoe maker, *d. c.*—Official assignee, Whitmore.—Sols. Turner & Hensman, Basing-lane. Fiat, Aug. 3. Pet. Cr. Thomas Evans, of Black Horse-yard, Broadway, Westminster, livery-stable keeper.

OGDEN Abraham, of Spotland, in the parish of Rochdale, in the county of Lancaster, sizer, *d. c.*—Official assignee, Pott.—Sols. Appleby, Harpur-street, and Grundy, Bury. Fiat, July 26. Pet. Cr. William Ogden, of Heap, Lancashire, shopkeeper.

SAFFRAN Henry Joseph Edward, of Huddersfield, in the county of York, cloth-merchant, *d. c.*—Official assignee, Freeman.—Sols. Jones, Sise-lane, Hesp, Huddersfield, and Sykes, Leeds. Fiat, July 31. Pet. Crs. William Milner and Albert Pilling, of Huddersfield, cloth-merchants.

SMITH George Charles, of Kensington-park, in the parish of Kensington, in the county of Middlesex, builder.—Official assignee, Alsager.—Sol. Dampier, Lincoln's Inn. Fiat, Aug. 2. Pet. Cr. George Frederick Norris, of Claremont Cottages, Peel-street, Notting-hill, painter.

TREVITT John, of Wheaton Aston, in the parish of Lapley, in the county of Stafford, butcher.—Official assignee, Christie.—Sol. Corser, Wolverhampton. Fiat, July 26. Pet. Cr. John Rolands, of Church Eaton, Staffordshire, farmer.

TURNER Thomas, of Sheffield, in the county of York, grocer.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Smith & Wightman, Sheffield. Fiat, July 24. Pet. Cr. George Bell, of Sheffield, grocer.

WYRILL William, of Bradford, in the county of York, ironmonger.—Official assignee, Hope.—Sols. Messrs. Lawrence, Old Fish-street, Morris, Bradford, and Bond, Leeds. Fiat, July 30. Pet. Crs. John Hardy, Sir Charles Des Voeux, bart., Christopher Holdsworth Dawson, Rachel Dawson, Mary Dawson, Henry Wickham Wickham, and Lamplugh Wickham Wickham, of Bradford, ironmasters.

CERTIFICATES to be allowed August 27.

Chamberlain William, of Peckham, linen-draper.
Falkingham Jeffrey, of Bradford, bacon-factor.
Newton Thomas, of Holbeach, cattle-dealer.
Nichols Charles, of Wakefield, bookseller.
Parson William, of Southampton, grocer.
Taylor John, of Carlisle, miller.
Tolson John Sunderland, of Huddersfield, fancy-cloth manufacturer, (partner with Joseph Tolson).

DIVIDENDS.

Date of Fiat.
1825, **DE ALZEDO** Joaquin Reux, of Bank-buildings, London, merchant; final div.
1832, **EDRIDGE** William Baldock, of Long-acre, Middlesex, coach-maker; final div.
1839, **GREEN** Thomas, of Abchurch-lane, London, bill-broker; joint div. of Green & Vanderplank, and final sep. div. of Green.
1819, **PEEL** Joseph, late of Frazeeley, in Tamworth, Staffordshire, Charles Harding, late of Frazeeley, and William Willock, late of Frazeeley, manufacturers and spinners of cotton, and partners, trading under the firm of Peel, Harding, & Company, at Frazeeley; final joint div.
1840, **VANDERPLANK** Bartholomew, and Samuel Vanderplank, of Saville-row, Burlington-gardens, Middlesex, woollen-drapers, trading under the firm of B. & S. Vanderplank & Co.; final joint div., and final sep. div. of Bartholomew Vanderplank.

Gazette, Friday, August 9.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

KENNEDY Francis, of New Bond-street, and York-place, Vauxhall-road, stationer.

TOWN AND COUNTRY FIATS.

DIXON Henry Jecks, and John Dixon, of Kidderminster, in the county of Worcester, and of Aldermanbury, in the city of London, carpet-manufacturers, *d. c.* and lately copartners in trade.—Official assignee, Valpy.—Sol. Brinton, Kidderminster. Fiat, July 30. Pet. Cr. Henry Brinton, of Kidderminster, carpet-manufacturer.

ELSE Joseph, and William Dixon, of the town or borough of Kingston-upon-Hull, millers and bakers, *d. c.* and copartners, carrying on trade or business under the style or firm of Joseph Else & Company.—Official assignee, Hope.—Sols. Tilson & Co. Coleman's Wells, Hull, and Horsfall & Harrison, Leeds. Fiat, Aug. 3. Cr. William Hodgson, of Kingston-upon-Hull, grocer.

INNES James, of High-street, Cheltenham, in the county of Gloucester, ironmonger.—Official assignee, Miller.—Sol. Styles, Cheltenham. Fiat, Aug. 6. Pet. Cr. William Udall, of Birmingham, factor.

YEARDLEY John, William Yeardeley, and Elizabeth Yeardeley, Ecclesfield Mill, in the parish of Ecclesfield, in the county of York, flax-spinners, *d. c.* carrying on business under the firm of Yeardeley & Co.—Official assignee, Fearne.—Sols. Williamson & Co. Gray Inn, Leeman & Clark, York, and Bond, Leeds. Fiat, July 2. Pet. Cr. Henry Dresser, esq. of Leeds, on behalf of the Yorkshire District Bank.

CERTIFICATES to be allowed August 30.

Alden Henry, of Oxford, stationer and printer.
Hopkins Charles, of Stapleton, miller.
Knight James Bargas William, of St. James's-walk, Clerkenwell, printer.
Owen Joseph, and Sarah Owen, of Sheffield, merchants.
Williams Charles, of Sutton-street, Lambeth, furrier.

DIVIDEND.

Date of Fiat.
1843, **JONES** William, of Llanrwst, Denbighshire, druggist; div.

Gazette, Tuesday, August 13.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

RILEY Edward, of Stratford-upon-Avon, grocer and tea-dealer.

TOWN AND COUNTRY FIATS.

BANISTER Charles, of Rotten-row, in the borough of Derby, in the county of Derby, linen and woollen-draper, late partner in trade with one Robert Banister, late of the borough of Derby, aforesaid, linen and woollen draper.—Official assignee, Bittleston.—Sol. Bart. Birmingham. Fiat, Aug. 3. Pet. Crs. John George Cottrell, & No. 32, Cannon-street, Birmingham, engraver, and George Boley of Bootle-cum-Linaire, in the parish of Walton, Lancashire, merchant.

MICHAEL Jacob, of North Shields, in the county of Northumberland, general dealer, outfitter, *d. c.*—Official assignee, Wakley.—Sols. Spyer, Broad-street-buildings, Cooper, Somerset, and Messrs. Tinley, North Shields. Fiat, Aug. 2. Pet. Cr. John Napthal Hart, of King-street, Finsbury-square, watch-manufacturer.

O'BEIRNE Bernard, of the city of Bath, wine-merchant.—Official assignee, Hutton.—Sols. Short, Bristol, and Messrs. Harrison, Walsbrook. Fiat, Aug. 3. Pet. Crs. George James Bradley and John Penn Bradley, of Great St. Helen's, wine-merchants.

RODGERS Henry Abdal, of Sheffield, in the county of York, newspaper agent, *d. c.*—Official assignee, Young.—Sols. Reeves Furnival's Inn, and Scholesfield, Leeds. Fiat, Aug. 2. Pet. Cr. William Henry Smith, of No. 192, Strand, Middlesex, stationer.

ROTHERY Joseph, of Golcar, in the parish of Huddersfield, in the county of York, clothier, *d. c.*—Official assignee, Fearne.—Sols. Cumming, King-street, Cheap-side, Brook & Freeman, Huddersfield, and Sykes, Leeds. Fiat, Aug. 1. Pet. Cr. Joseph Bower, of Huddersfield, wool-stapler.

SLATER Thomas, now or late of Burnley, in the county of Lancaster, pawnbroker and salesman, *d. c.*—Official assignee, Stanway.—Sols. Cragg & Jeyes, Harpur-street, Red Lion-square, and Alcock & Dixon, Burnley. Fiat, July 25. Pet. Cr. John Massey, of Habergham Eaves, near Burnley, gent.

CERTIFICATES to be allowed September 3.

Lancefield Thomas Courtney, of Augustus-square, Regent's-park, builder.
Pledge John, of Vauxhall-street, Lambeth, bricklayer.
Roby Joseph Hewett, of Manchester, coffee-house keeper.
Rothery George, of Wakefield, currier.
Smith William, of the Strand, printer.

DIVIDENDS.

ate of Fiat.

- 339, BAKER Benjamin, of Liverpool, Lancashire, marble-mason; div.
- 343, BARWISE Jackson, of No. 16, Pall-mall, Middlesex, house-decorator and paper-hanger; div.
- 844, CHEESMAN William, John Hodson, and William Oliver Cheesman, of Brighton, Sussex, chinamen; div.
- 843, PROST John, of Bristol, baker; fin. div.
- 839, GEACH William Foster, of Pontypool, Monmouthshire, corn and timber merchant; div.
- 844, HAWKINS George, of Bristol, mason; div.
- 844, THOMPSON Alfred, of Southampton, and of Chichester, Sussex, grocer; div.

Gazette, Friday, August 16.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- DOCK Frederick, of Lambeth-walk, in the county of Surrey, painter and glazier, *d. c.*—Official assignee, Green.—Sol. Marsden, Cloak-lane. Fiat, July 30. Pet. Cr. James Christie, of Glasgow, merchant.
- LAW William, of Reading, in the county of Berks, draper, *d. c.*—Official assignee, Pennell.—Sol. Moger, Paternoster-row. Fiat, Aug. 10. Pet. Crs. Andrew Beater and James Coster, of Aldermanbury, warehousemen.
- RUTHERFORD George Shortried, and Samuel Russell, of Sheffield, in the county of York, Britannia metal manufacturers, *d. c.*—Official assignee, Fearn.—Sols. Duncan, Featherstone-buildings, Unwin, Sheffield, and Blackburn, Leeds. Fiat, Aug. 9. Pet. Cr. Edmund Burrows Schofield, of Sheffield, auctioneer.
- SHORE John, of Rochdale, in the county of Lancaster, flannel-manufacturer, *d. c.*—Official assignee, Fraser.—Sols. Heaton, Rochdale, Wilson, Manchester, and Chester & Co. Staple Inn. Fiat, Aug. 5. Pet. Cr. John Rossiter Colley, of Manchester, agent.
- TAYLOR John, late of the Fighting Cocks public-house, in Deritend, in the borough of Birmingham, in the county of Warwick, licensed victualler and anvil-maker, *d. c.*—Official assignee, Christie.—Sol. Capper, Birmingham. Fiat, Aug. 9. Pet. Cr. Edmund Kettle, of Birmingham, corn-dealer.
- WALTON Henry Christmas, of Seel-street, in Liverpool, in the county of Lancaster, surgeon and apothecary, *d. c.*—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Tyrer, Liverpool. Fiat, Aug. 12. Pet. Cr. Thomas Derham, of Lancaster, twine-manufacturer.
- WEST Henry, of Burgh, in the county of Lincoln, grocer and draper.—Official assignee, Young.—Sols. Overdale & Co. Bedford-row, Ingolby & Son, Louth, and Blackburn, Leeds. Fiat, July 22. Pet. Crs. William Tate and Benjamin Hyde, of Louth, grocers.
- WHITE John Charles, and George Horwood White, of Milsom-street, Bath, in the county of Somerset, music-sellers, *d. c.*, trading under the firm of G. H. White and J. C. White.—Official assignee, Acraman.—Sol. English, Bath. Fiat, July 29. Pet. Crs. James Shudi Broadwood, Thomas Broadwood, and Henry Fowler Broadwood, of Great Pulteney-street, pianoforte manufacturers.
- YORK Henry Charles, of Nos. 12 and 13, Cheltenham-place, Westminster-road, in the county of Surrey, lodging-house keeper, schoolmaster, *d. c.*—Official assignee, Belcher.—Sol. Hubbard, Queen-street-place. Fiat, Aug. 14. Pet. Cr. Charles Bean, of No. 17, Brudenell-place, New North-road.

CERTIFICATES to be allowed September 6.

- Boor John Thomas, of Lower Thames-street, eating-house keeper.
- Ellis Richard, of Manchester, laceman.
- Gould Joseph, of Sheen, cheese-factor.
- Hobson Edward, of Thrapston, linen-draper.
- Lord John Buckley, of Almondbury, woollen-cloth manufacturer, (partner with Michael Coghan).
- Nash William Henry, and William Gardiner, of Exeter, drapers.
- Porter James, of Honiton, victualler.
- Rennards William, of Liverpool, cheese-factor, (partner with Robert Youd).
- Smith John, of Warwick, wine-merchant.

9. BANKR. 1844.

DIVIDENDS.

Date of Fiat.

- 1841, CARPENTER William, of Chippenham, Wiltshire, innkeeper; div.
- 1842, EVANS Rowland, John Foster, Skinner Zachary Langton, and Thomas Foster, of Barge-yard, Bucklersbury, London, East India merchants, trading under the firm of Evans, Foster, and Langton; joint div., and sep. div. of Evans.
- 1844, GIBSON Edward, of Kendal, Westmoreland, builder, and of Dolwyddelan, Carnarvonshire, slate-merchant; div.
- 1842, HENTIG Robert, of Kingston-upon-Hull, merchant, trading under the firm of Robert Hentig & Co.; second div.

Gazette, Tuesday, August 20.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

- FARRANT John Broom Leman, of Maidstone, agricultural machine maker.

TOWN AND COUNTRY FIATS.

- BRITTON William, of Borrowby, in the county of York, manufacturer of linen cloth, *d. c.*—Official assignee, Freeman.—Sols. Maples & Co. Frederick's-place, Old Jewry, Messrs. Arrowsmith & Co. Thirsk, and Messrs. Payne & Co. Leeds. Fiat, Aug. 6. Pet. Cr. Henry Dresser, of Leeds, on behalf of the Yorkshire District Bank.
- EDWARDS Edward, of No. 35, City-road, in the parish of St. Luke, in the county of Middlesex, draper and hosier, *d. c.*—Official assignee, Pennell.—Sols. Turner & Hensman, Basing-lane. Fiat, Aug. 16. On his own petition.
- FULLER William, of the Cliffe, near Lewes, in the county of Sussex, currier.—Official assignee, Graham.—Sol. Walthew, Furnival's Inn. Fiat, Aug. 16. Pet. Cr. Peter King Duncan, of No. 17, Halfmoon-street, Bishopsgate, currier.
- GILES George Frederick, of No. 51, Bedford-street, Covent-garden, in the county of Middlesex, carver and gilder and picture dealer, *d. c.*—Official assignee, Alsager.—Sol. Cox, Sise-lane. Fiat, Aug. 12. Pet. Cr. Thomas Flight, of Bond-court, Walbrook, esq.
- GOOD Edward Mark, of Rye-lane, Peckham, and Goose-green, Dulwich, in the county of Surrey, farmer, cowkeeper, *d. c.*—Official assignee, Alsager. Fiat, Aug. 16. Pet. Cr. George Gibbs, of Wood-street, Cheapside, warehouseman.
- GREGG James, of Birmingham, in the county of Warwick, blacksmith and farrier.—Official assignee, Valpy.—Sols. Smith, Walsall, and Collis, Birmingham. Fiat, Aug. 15. Pet. Cr. Joseph Starkey, of Birmingham, house-agent.
- MANGILIER John, of No. 73, Oxford-street, in the county of Middlesex, watch and clock maker and jeweller, trader, *d. c.*—Official assignee, Alsager.—Sols. Willoughby & Jaquet, Clifford's Inn. Fiat, Aug. 17. On his own petition.
- PURT George, of No. 78, Upper Thames-street, in the city of London, ale and porter merchant.—Official assignee, Pennell.—Sol. Beanlands, Cook's-court, Carey-street. Fiat, Aug. 16. Pet. Cr. David Lloyd, of Rood-lane, tea-dealer.
- ROBERTS Thomas, of Blackman-street, in the borough of Southwark, in the county of Surrey, linen-draper.—Official assignee, Whitmore.—Sols. Messrs. Sole, Aldermanbury. Fiat, Aug. 13. Pet. Crs. Andrew Beater and James Carter, of Aldermanbury, warehousemen.

CERTIFICATES to be allowed September 10.

- Beech Thomas, of Newcastle-under-Lyme, grocer.
- Cundy Joseph, of Ranelagh-street, carpenter.
- Land Benjamin, of St. Albans, victualler.
- Mitchell John, of Nottingham, fellmonger.

Date of Fiat.

DIVIDENDS.

- 1844, BRASS Edwin, of Taunton, Somersetshire, grocer; div.
- 1840, LANGMEAD William, of Teignmouth, Devonshire, banker; div.
- 1843, STRAWBRIDGE George, of Bristol, builder and mason; div.
- 1842, WILSON Jane, of Bolton, Lancashire, widow, timber-dealer and builder; div.

Gazette, Friday, August 23.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

BARRS Thomas, and Robert Barrs, both of the city of Worcester, tobacco-manufacturers, *d. c.* and copartners.—Official assignee, Whitmore.—Sol. Smith, Birmingham. Fiat, Aug. 13. Pet. Cr. Elizabeth Barrs, of Cheltenham, boarding-house keeper.

BESLEY Richard, of No. 46, Wells-street, Oxford-street, in the county of Middlesex, wine-cooper, bottle and cork merchant, and bottled ale and beer merchant, trading under the style or firm of R. Besley & Co., *d. c.*—Official assignee, Alsager.—Sol. Shuter, Millbank-street. Fiat, Aug. 21. Pet. Cr. William Gotobed, of No. 24, Great Portland-street, Cavendish-square.

COOK Thurstan, late of No. 20, Kirby-street, Hatton-garden, and of No. 14, Acton-street, Gray's Inn-road, both in the county of Middlesex, silver-cutter, *d. c.*—Official assignee, Whitmore.—Sol. Taylor, Castle-street, Holborn. Fiat, Aug. 15. Pet. Cr. Benjamin Burgess, of Beaufort-buildings, Strand, lodging-house keeper.

NOEL George, and William Noel, of No. 56, Jermyn-street, in the parish of St. James, in the city of Westminster, boot and shoe makers, *d. c.*—Official assignee, Belcher.—Sols. Bennett & Bolden, Scott's-yard, Bush-lane. Fiat, Aug. 21. Pet. Crs. William and Samuel Wood, of Bow-street, curriers.

PETERS Edward, of Godstone, in the county of Surrey, brewer, *d. c.*—Official assignee, Whitmore.—Sols. Dimmock & Burbey, Sise-lane, and Woods, Epsom. Fiat, Aug. 13. Pet. Cr. John Gardner, of Milford-lane, Strand, wine-merchant.

CERTIFICATES to be allowed September 13.

Arnold John, jun., of Derby, cheesefactor, (partner with Henry Arnold).

Baker John, of Romsey, grocer.

Baseley Daniel, of High-street, Southwark, and Surrey-place, Old Kent-road, cheesemonger.

Carline Thomas, of Shrewsbury, builder.

Jenkinson George, of Wolverhampton, butcher.

Lark John, of Seymour-street, boot-maker.

Martin Joseph White, of Newmarket, chemist.

Stewart William, of Fort-street, Spitalfields, silk-manufacturer, (partner with John Bell).

Wood Henry, of Basinghall-street, woollen-factor.

DIVIDENDS.**Date of Fiat.**

1843, **BALME** Jeremiah Nettleton, of Leeds, Yorkshire, woolstapler, carrying on the trade of woolstapler, at Leeds aforesaid, under the firm of Jeremiah Nettleton, Balme & Co.; first and final div.

1840, **BELL** Robert Paxton, of Newcastle-upon-Tyne, fruiterer; final div.

1844, **HARWOOD** George, of Chester, draper; div.

1843, **HIPKINS** Edward, of Egremont, Cheshire, coal-dealer, and of Liverpool, Lancashire, commission-agent; div.

1841, **HOWE** Robert, of Kilpin, in Howden, Lancashire, corn-factor; first and final div.

1843, **KNAPTON** James, and William M'Kay, of Manningham, in Bradford, Yorkshire, stuff-manufacturers; first and final div.

1841, **POTTS** William Mowbray, of Newcastle-upon-Tyne, grocer and tea-dealer; final div.

1844, **PROCTER** Nennan, of Meanwood, in Leeds, Yorkshire, tanner and leather-seller; first and final div.

1841, **RAINE** Edward, and John Raine, of Barnard Castle, Durham, carpet-manufacturers; final joint div.

1840, **ROBINSON** George, of Huddersfield, Yorkshire, surgeon, and Mary Farrand, of Almondbury, same county, widow, dealers and traders, now or heretofore jointly and together carrying on trade at Almondbury, and elsewhere, as fancy-cloth manufacturers, under the name, style, or firm of the Executors of the late Joseph Farrand; first and final div.

1839, **SIMPSON** Robert, of the Blue Bell Inn, in Embleton, Cumberland, innkeeper; final div.

1842, **WALKER** William, and James Gray, both of Leeds, Yorkshire, woolstaplers and cloth-manufacturers; second and final div.

1842, **WEBB** Charles Henry, of Forebridge, Staffordshire, corn-dealer; final div.

Gazette, Tuesday, August 27.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

BUCKLER Robert, of Portsea, in the county of Southampton, grocer, *d. c.*—Official assignee, Pennell.—Sols. Smith & Southampton-street, Bloomsbury, and Binstead, Portsmouth. Fiat, Aug. 17. Pet. Crs. John Lewis Town and Richard Clark, Portsmouth, merchants.

CURRIE Robert, of the borough of Newcastle-upon-Tyne, boot seller and stationer, *d. c.*—Official assignee, Baker.—Sols. Bean & Co. Scott's-yard, Cannon-street, and Wailes, Newcastle. Fiat, Aug. 13. Pet. Cr. William Hall, of Newcastle-upon-Tyne, joiner.

FORTH Jacob, of South Parade, in the town and county of the city of Nottingham, hatter, *d. c.*—Official assignee, Bittleston.—Sol. Messrs. Barlow & Radcliffe, Oldham. Fiat, Aug. 21. Pet. Crs. James and George Gee, and William Winterbottom Gee, of Holbeck within Oldham, hat-manufacturers.

GARNETT Robert, of Leeds, in the county of York, boot and shoe maker, *d. c.*—Official assignee, Young.—Sols. Messrs. Rensworth Staple Inn, and Bradley, Leeds. Fiat, Aug. 10. Pet. Cr. Joseph Woodhead, of Leeds, builder, John Foster, of Headingley, master, John Holmes, of Leeds, plumber, Edward Wilson, of Leeds wine-merchant, John Allenby, of Tadcaster, corn-miller, and James Bradley, of Leeds, attorney.

LETT Arthur, of Lett's Wharf, Commercial-road, Lambeth, in the county of Surrey, timber-merchant, *d. c.*—Official assignee, Whitmore.—Sols. Reed & Shaw, Friday-street. Fiat, Aug. 11. Pet. Crs. Robert and Henry Pulford, of No. 65, St. James's-street, tailors.

LEWIS Joseph White, of the city of Bath, in the county of Somerset, victualler.—Official assignee, Kynaston.—Sols. Chapman, Westminster, and Holme & Co. New Inn. Fiat, Aug. 20. Pet. Cr. Samuel Bailey, of Hinton Charterhouse, Somersetshire, maltster.

UNDERWOOD William May, of Waples Mill, near Ryfield, in the county of Essex, miller.—Official assignee, Belcher.—Sols. Wright London-street. Fiat, Aug. 14. Pet. Cr. Edward Moline, of Billiter street, merchant.

WILDE John Thomas, and William Wilde, late of No. 18, Basing-lane, Cheapside, in the city of London, general merchant, *d. c.*—Official assignee, Belcher.—Sols. Lowless & Son, Hatton-road, Threadneedle-street. Fiat, Aug. 17. Pet. Crs. Charles Butler and Charles Lambert, of Drury-lane, tobacco-manufacturers.

YUILL William, of No. 74, Cornhill, in the city of London, joiner.—Official assignee, Whitmore.—Sols. Tilleard & Sons, Old Jewry. Fiat, Aug. 26. Pet. Crs. William Stuart and Henry Beane, of No. 17, Cateaton-street, woollen-warehousemen.

CERTIFICATES to be allowed September 17.

Brennand Elah, of Highgate, ironmonger.

Cornie John, of Burslem, manufacturer of earthenware.

Davies John Sides, of Oswestry, draper.

Davis Francis, of Tipton and Westbromwich, linen-draper.

Heward James, of Hendon, hay-salesman.

Newman Robert Dawson, of Leeds, corn-factor.

Sharpe Richard, of Chelmsford, draper.

Sherwin Isaac, of Shelton, engraver, (partner with Josiah Sherwin and Thomas Hordley).

Wetmore Thomas Hewitt, of Worcester, grocer.

DIVIDENDS.**Date of Fiat.**

1842, **BENNETT** John, of Manchester, Lancashire, calico-printer; fur div.

1844, **BILLINGTON** Samuel, of Birkenhead, Cheshire, woollen-draper and tailor; div.

1842, **BLATCHFORD** Peter, of Plymouth, Devonshire, miller; div.

1842, **HILTON** Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; first joint div., and sep. div. of Walsh.

1842, **HILTON** Henry, of Over Darwen, Lancashire, bleacher and finisher, and coal-merchant; first div. of Henry Hilton, and first joint div. of Henry and Edward Hilton.

1844, **NUTTALL** Thomas, of Rochdale, Lancashire, pork-butcher; first div.

ate of Fiat.

143, SAYLE Benjamin, and Thomas Booth, of the Park Iron Works, in Sheffield, and of Tinsley Park, in Rotherham, both in Yorkshire, iron-masters, iron-founders, machine-makers, trading under the firm of Booth & Co.; first joint div.

842, WARREN Richard, of Liverpool, Lancashire, druggist, a shareholder in certain Steam Navigation Company, carrying on business at Liverpool aforesaid, under the style of the St. George's Steam Packet Company; third div.

842, WEBB William, of Liverpool, Lancashire, ironmonger; second div.

Gazette, Friday, August 30.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

IDDIAN Frederick William, of Birmingham, architect.

TOWN AND COUNTRY FIATS.

BROOKS William Alexander, of the borough and county of Newcastle-upon-Tyne, quarryman, *d. c.*—Official assignee, Wakley. Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, Aug. 14. Pet. Cr. George Eyre Brooks, of East Cowes, Isle of Wight.

FRANCE William, of Wigan, in the county of Lancaster, grocer.—Official assignee, Hobson.—Sols. Cornthwaite & Adams, Doctors' commons, and Cornthwaite, Liverpool. Fiat, Aug. 23. Pet. Crs. Joseph, Joshua, Ralph, and Robert Heap, of Liverpool, merchants.

GOODEVE Alfred, of No. 53, Aldermanbury, in the city of London, warehouseman, *d. c.*—Official assignee, Alsager.—Sols. Reed & Shaw, Friday-street. Fiat, Aug. 22. Pet. Crs. Alexander Macdonald, William Youle, and Horatio Cumming, of Adde-street, warehousemen.

HODGSON Ralph, of Newcastle-upon-Tyne, grocer and tea-dealer.—Official assignee, Baker.—Sols. Ingledew, Newcastle, and Williamson & Hill, Gray's Inn. Fiat, Aug. 12. Pet. Cr. Ralph Walton, of Great Lumley, Durham, butcher.

LOWTHER John, of No. 8, Queen's-row, Pentonville, in the county of Middlesex, builder, house decorator, *d. c.*—Official assignee, Edwards.—Sol. Jacobs, Winchester-buildings. Fiat, Aug. 22. Pet. Cr. William Gibson, of London-wall, boot-manufacturer.

PARSONS William, of Upper Eaton-street, Piccadilly, and of Half-moon-street, both in the county of Middlesex, and formerly of William and Mary-yard, in the same county, in partnership with Mary Ann Bailey and Joseph Radford, starch-manufacturers, *d. c.*—Official assignee, Whitmore.—Sols. Barron & Cullen, Bloomsbury-square. Fiat, Aug. 28. Pet. Cr. Edward Barron, of Bloomsbury-square, gent.

PATTERSON Thomas, and John Codling, of Sheriff-hill, in the parish of Gateshead Fell, in the county of Durham, earthenware-manufacturers and partners in trade.—Official assignee, Wakley.—Sols. Clayton & Cookson, Lincoln's Inn, Clayton & Dunn, Newcastle, and Bunn, Newcastle. Fiat, Aug. 20. Pet. Cr. Edward James, of Newcastle-upon-Tyne, white lead manufacturer.

ROBERTS Edward, of Liverpool, in the county of Lancaster, corn-merchant, commission-agent, *d. c.*—Official assignee, Turner.—Sols. Maples & Co. Frederick's-place, and Fairclough, Liverpool. Fiat, Aug. 20. Pet. Cr. William Roberts, of Dwyllig, near St. Asaph, farmer.

ANDERS Jeremiah, of Reach, in the county of Cambridge, carpenter and wheelwright, *d. c.*—Official assignee, Pennell.—Sol. Hurstwick, Soham. Fiat, July 23. Pet. Cr. Thomas Hurstwick, of Soham, gent.

CERTIFICATES to be allowed September 20.

Austin William, of Bell-street, Edgware-road, builder.

Burton William, of King-street, Soho, upholsterer.

Carpenter John, of Rothwell, surgeon.

Christophers Joseph Steer, of East India Chambers, Leadenhall-street, merchant.

Fletcher Joseph, of Liverpool, paint-manufacturer.

Oppenheim Charles Fox, of George-street, Minorities, ship-owner.

Robinson Christopher, of Great Trinity-lane, oil-merchant.

DIVIDENDS.

Date of Fiat.

1842, BIGGS Charles, of Manchester, Lancashire, commission-agent and merchant; first and final div.

1843, CLEVERLEY George, of Calne, Wiltshire, builder; div.

1844, GORDON Thomas Loram, of Rack-street, Exeter, cabinet-maker and timber-dealer; div.

1841, HAWARDEN James, Robert Myerscough, and John Jackson, of Little Bolton, Lancashire, and of Manchester, said county, manufacturers of cotton cloth by power and commission agents; second and final div. of Hawarden.

1828, JONES Evan, of Liverpool, Lancashire, grocer; div.

1842, WALTERS Phillip, and Morgan Llewellyn, both of Neath, Glamorganshire, timber-merchants and ship-builders; div.

1843, WOOD James, of Heathfields, within Saddleworth, Yorkshire, woollen manufacturer and merchant; first div.

Gazette, Tuesday, September 3.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

BATTEN James, of Tilehurst, Berkshire, cattle and sheep dealer.

KNILL John Chamberlain, of Gloucester, tailor and confectioner.

TOWN AND COUNTRY FIATS.

BANISTER Charles James, of Rotten-row, in the borough of Derby, in the county of Derby, linen and woollen draper, late partner in trade with one Robert Banister, late of the borough of Derby aforesaid, linen and woollen draper.—Official assignee, Green.—Sols. Mottram & Giddy, Birmingham, and Smith, Bedford-row. Fiat, Aug. 3. Pet. Crs. John George Cotterill, of No. 32, Cannon-street, Birmingham, engraver, and George Beley, of Bootle cum Linacre, Walton, Lancashire, merchant.

BROWNE John, of No. 5, King's-cross, in the county of Middlesex, saddler and harness maker, *d. c.*—Official assignee, Alsager.—Sols. Badham & Houghton, Verulam-buildings, Gray's Inn. Fiat, Aug. 26. Pet. Cr. George Robson, of Lisle-street, Leicester-square, currier.

CLOUGH William Copperthwaite, of Eye, in the county of Suffolk, apothecary, *d. c.*—Official assignee, Whitmore.—Sols. Archer, Stowmarket, and Jones & Co. John-street, Bedford-row. Fiat, Aug. 23. Pet. Cr. Spencer Freeman, of Stowmarket, surgeon.

HALL Henry, of Smalesmouth, in the parish of Greystead, in the county of Northumberland, cattle-dealer, *d. c.*—Official assignee, Wakley.—Sols. Bell & Co. Bow-churchyard, Carrick & Lee, Brampton, and Bates & Dees, Newcastle. Fiat, Aug. 9. Pet. Cr. William Heron Forster, of Falstone, Northumberland, yeoman.

MANN Robert Kinder, of the town or borough of Kingston-upon-Hull, in the county of the same town or borough, wine-merchant, commission-agent, *d. c.*—Official assignee, Hope.—Sols. Tilson & Co. Coleman-street, and Horsfall & Harrison, Leeds. Fiat, Aug. 26. Pet. Crs. John and Thomas Lovitt, of Hull, cabinet-makers and upholsterers.

WOODHEAD Joseph, and John Woodhead, both of Bradford, in the county of York, worsted stuff manufacturers, *d. c.* and partners in trade, carrying on trade under the firm of Joseph Woodhead & Co.—Official assignee, Freeman.—Sols. Gregory & Co. Bedford-row, and Wavill, Halifax. Fiat, Aug. 26. Pet. Crs. Joseph Gar-side and Samuel Naylor, of Bradford, worsted-spinners.

CERTIFICATES to be allowed September 24.

Griffiths Henry, of Chelford, innkeeper.

Kearsley Thomas, and Thomas Watt, of Runcorn, bone-merchants.

Rayner Edwin, of Sheffield, merchant.

Rogers Watkin, of Newport, draper.

Westren Thomas, of Brushford, maltster.

DIVIDENDS.

Date of Fiat.

1843, DAVIES Ryce, of Abercarne, Monmouthshire, grocer, shop-keeper and coal-merchant; div.

1842, DEAN John, of Habergham Eaves, Lancashire, cotton-spinner and power-loom manufacturer; first div.

1844, DOWLE James, of Chepstow, Monmouthshire, wine and spirit merchant and brewer; div.

Date of Fiat.

- 1843, GORDON Anthony, William Cartwright, and James Blackett, of Manchester, Lancashire, machine-makers; joint div.
 1843, PARSONAGE Isaac, of Birmingham, Warwickshire, paper-hanger; div.
 1842, WILEMAN Thomas, of Earl Shilton, Leicestershire, hosier; div.

Gazette, Friday, September 6.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BAILEY Thomas, and John Bailey, of King's Cliffe, in the county of Northampton, toy-dealers, *d. c.* and copartners in trade.—Official assignee, Whitmore.—Sol. Goddard, King-street, Cheap-side. Fiat, Aug. 27. Pet. Cra. John and Elizabeth Ann Sewell, of Fore-street, jewellers.
 CLARKE Henry, of Sheffield, in the county of York, builder and railway contractor, *d. c.*—Official assignee, Fearne.—Sols. Ryalls, Sheffield, and Blackburn, Leeds. Fiat, Aug. 30. Pet. Cra. Anthony and William Daniels, of Aldermanbury, woollen-drappers.
 DOCKERY Robert Thornton, of Dartford, in the county of Kent, and of Farringdon-market, in the city of London, market-gardener, fruit and pea salesman.—Official assignee, Whitmore.—Sol. Jerwood, Walbrook-buildings. Fiat, Sept. 3. On his own petition.
 KITCHEN John, of Stockport, in the county of Chester, corn and flour dealer.—Official assignee, Hobson.—Sols. Johnson & Co. Temple and Ferns, Stockport. Fiat, Sept. 2. Pet. Cr. Francis Everitt, of Ecclesfield, gent.
 PETTIGREW Robert the younger, of Mulgrave-place, Woolwich, in the county of Kent, tailor, *d. c.*—Official assignee, Whitmore.—Sols. Hine & Robinson, Charterhouse-square. Fiat, Aug. 30. Pet. Cr. William Salt, of Poynton, Cheshire, innkeeper.
 QUY John, of Mark's Hall, White Roothing, in the county of Essex, dealer in cattle.—Official assignee, Alsager.—Sol. Ashley, Shore-ditch. Fiat, Aug. 26. Pet. Cr. James Day Quy, of Bermondsey-street, draper.
 REGNAULT Louis Adolphe, of Cheltenham, in the county of Gloucester, milliner and dress-maker, *d. c.*—Official assignee, Hutton.—Sol. Pike, Old Burlington-street. Fiat, Sept. 3. Pet. Crs. Simon and John Rogers, of Sackville-street, fancy warehousemen.
 ROLLINGS Thomas, of No. 2, Ingram-court, Fenchurch-street, in the city of London, wine and general merchant, *d. c.*—Official assignee, Alsager.—Sol. Goddard, King-street, Cheapside. Fiat, Aug. 29. Pet. Cr. John Westcote Bamfield, of Orchard-street, gentleman.
 SOTHERS Lawrence, and William Perritt, of Gravesend, in the county of Kent, grocers, cheesemongers, and copartners.—Official assignee, Alsager.—Sols. Thompson & Co. Salters' Hall. Fiat, Sept. 2. Pet. Cr. Edmund Ronalds, of Upper Thames-street, cheesemonger.
 TERRILL Charles Ross, late of the Chancellor's Head, Carey-street, Chancery-lane, victualler, *d. c.*—Official assignee, Alsager.—Sol. Robinson, Ironmonger-lane. Fiat, Sept. 5. Pet. Cr. John March Minter, of Trafalgar-place, West Hackney, gent.

CERTIFICATES to be allowed September 16.

- Bromley Samuel, of Manchester, hat-manufacturer, (partner with Martha Brown).
 Levett Joseph, of Soham, carpenter.
 Mellis James, of Newcastle and Buenos Ayres, merchant, (partner with William Thompson).
 Procter Nenian, of Leeds, tanner.
 Smith James Linthwaite, of Leicester, cabinet-maker.
 Westmore Alexander, of West Derby, joiner.

DIVIDENDS.

Date of Fiat.

- 1841, BUCKLEY John, Joseph Buckley, and Henry Buckley, of Manchester, Lancashire, and of Todmorden, said county, cotton and worsted manufacturers; fur. div.
 1844, CLARK Theodore Frederick, of Scotland-road, Liverpool, Lancashire, draper; first and final div.
 1840, FOZZARD Edward, late of Dobcross, in Saddleworth, Yorkshire, dyer, but now of Tame Water, in Saddleworth, dyer; first and final div.

Date of Fiat.

- 1844, HIGGINSON Thomas, of Liverpool, Lancashire, pawbroker, auctioneer, general outfitter, and dealer in ready made clothes and wearing apparel; first div.
 1844, MEREDITH Stephen, of Liverpool, Lancashire, and late of Leek, Staffordshire, linen-draper; div.
 1842, SPEAKMAN Samuel, of Preston, Lancashire, ship and mill builder; final div.
 1843, TIMMINS William, of Longton, Staffordshire, draper; div.
 1838, TRATT Joseph, of No. 70, Berners-street, Oxford-street, Middlesex, plumber; div.

Gazette, Tuesday, September 10.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

- SISON John, of Brighton, toy-dealer.

TOWN AND COUNTRY FIATS.

- BRADSHAW George, of Welchpool, in the county of Montgomery, linen and woollen draper, and wine and spirit dealer.—Official assignee, Bird.—Sols. Walker, Furnival's Inn, and Bradley, Liverpool. Fiat, Aug. 28. Pet. Cr. William Bradley and Samuel Rounthwaite Mottram, of Liverpool, wine-merchants.
 HOOK Joseph, of Nine Elms, and of the Wandsworth-road, both in the county of Surrey, contractor and brick merchant.—Official assignee, Whitmore.—Sol. Sadgrove, Mark-lane. Fiat, Sept. 3. Pet. Cr. Mary Hayward, of Alfred-place, Newington, corn-chandler.
 SEDGWICK Thomas, of Leeds, in the county of York, grocer and tea-dealer, *d. c.*—Official assignee, Young.—Sol. Duncan, Featherstone-buildings, Unwin, Sheffield, and Blackburn, Leeds. Fiat, Sept. 3. Pet. Cr. Edward Bingham, of Sheffield, wholesale grocer.
 WARRILLOW Alfred John, of No. 2, Sekforde-street, Clerkenwell, in the county of Middlesex, fancy-stationer, *d. c.*—Official assignee, Whitmore.—Sol. Scott, Southampton-buildings. Fiat, Sept. 2. On his own petition.

CERTIFICATES to be allowed October 1.

- Baxter Robert, of Sheffield, merchant and table-knife manufacturer.
 Cuttall Joseph, of Holmfirth, clothier.
 Dixon Joan, of Sheffield, linen-draper.
 Hocknell George, late of Stone, innkeeper, but now of Birmingham, writing-clerk.
 Parker George, of Sheffield, spade and shovel manufacturer.
 Stokes Francis, of London-wall, importer and French warehouseman, (late in partnership with William Hare).

DIVIDENDS.

Date of Fiat.

- 1841, CHILVER Robert, of Ipswich, Suffolk, upholsterer; div.
 1844, HINDMARSH Thomas, of Hartlepool, Durham, grocer, butcher, salt, and whiting manufacturer; div.
 1842, HOPPER William, of Great Queen-street, Lincoln's Inn-fields, Middlesex, carpet-warehouseman; div.
 1841, JEFFERSON Richard, of Newcastle-upon-Tyne, victualler and publican; final div.
 1844, LORRAINE John Lambton, of Newcastle-upon-Tyne, wine merchant and commission-agent; div.
 1843, MOLINEUX Thomas, of Manchester, Lancashire, silk-manufacturer; final div.
 1837, MORRISON James, and William Stone, of Harp-lane, Tower-street, London, wine, spirit, and beer merchants; fur. div.
 1844, NICHOLSON William Foster, of Warley, in Halifax, Yorkshire, worsted-spinner; div.
 1843, THOMPSON Thomas Hinderwell, of Liverpool, Lancashire, merchant; div.
 1843, TURNER Hewitt Fysh, of Middleton-street, Clerkenwell, Middlesex, painted baize manufacturer; div.
 1841, WILLIAMS Peter, and Charles Mottram, of Wood-street, London, Manchester warehousemen; div.

Gazette, Friday, September 13.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

DAVIES Daniel, and Henry Davies, both of Asylum-road, Old Kent-road, in the county of Surrey, road-contractors, *d. c.* and copartners.—Official assignee, Whitmore.—Sols. Venning & Co. Tokenhouse-yard. Fiat, Sept. 11. Pet. Cr. John Edwards, of Prospect-place, Old Kent-road, wheelwright.

SUGDEN John, and David Sugden, of Springfield, in Kirkburton, and of Huddersfield, both in the county of York, fancy-cloth manufacturers, *d. c.* and copartners.—Official assignee, Fearn.—Sols. Cumming, King-street, Cheapside, Brook & Co. Huddersfield, and Sykes, Leeds. Fiat, Sept. 11. Pet. Cr. Charles Brook, senior, William Leigh Brook, and Charles Brook, junior, of Almondsbury, silk-spinners.

CERTIFICATES to be allowed October 4.

Blake Benjamin William, of City-road, merchant.
Dethick William, of Temple-street, Whitefriars, lime-merchant.
Elliott James, of Caxton, innkeeper.
Mardall John Whitly, of New Shoreham, insurance-broker.
Portway Augustus, of Braintree, tea-dealer.
Robey John Walton, of Upper John-street, Fitzroy-square, builder.
Wood John Freeman, of Oxford, surgeon.

DIVIDENDS.**Date of Fiat.**

1840, **CARRUTHERS** John, of Mitchells, in Speldhurst, Kent, and last residing at Shepperton, Middlesex, lately also carrying on business as a distiller, in partnership with Frederick Fraser Carruthers, at Manchester, Lancashire, under the names of Carruthers & Co., and of the Manchester Distillery Company, as a trader indebted together with the said Frederick Fraser Carruthers; div.
1837, **ELLIOTT** Charles, of Leeds, Yorkshire, tallow-merchant; first and final div.
1844, **GARNETT** James Francis, of No. 1, Wellington-street, and No. 168, Tooley-street, Southwark, Surrey, hatter; div.
1840, **JORDAN** Francis, the younger, and Robert Lovel Magrath, both of Liverpool, Lancashire, merchants, and late carrying on trade there in partnership under the firm of Jordan & Magrath, and which said Francis Jordan the younger formerly carried on trade with William Orr, at Liverpool, under the firm of Jordan & Orr, and at Buenos Ayres, in South America, under the firm of Orr & Jordan; joint div., and sep. div. of Magrath.

Gazette, Tuesday, September 17.

BANKRUPTS.**BANKRUPTCY SUSPENDED.**

BISHOP Samuel Hunton Townshend, of Upper Ground-street, Blackfriars, and of the Paragon, Blackheath, iron-merchant.

TOWN AND COUNTRY FIATS.

CRICH James, of Sheffield, in the county of York, maltster, *d. c.*—Official assignee, Freeman.—Sols. Bigg, Southampton-buildings, and Haywood & Bramley, Sheffield. Fiat, Sept. 11. Pet. Cr. Hannah Creswick, of Sheffield, spinster.

DARKE William Hyett, of No. 335, Coventry-road, in the parish of Aston juxta Birmingham, in the county of Warwick, chemist, manufacturer of potted herrings, *d. c.*—Official assignee, Whitmore.—Sols. Mottram & Gaddy, Birmingham. Fiat, Sept. 10. Pet. Cr. Thomas Penn, of the Grange, Green-lanes, in the parish of Aston, Birmingham, brass-founder and paper-dealer.

HADFIELD Samuel, late of Fawcett-street, Great Ancoats-street, in Manchester, in the county of Lancaster, file-manufacturer, (late in copartnership with John Holme the younger, under the firm of Hadfield & Co.) but now of Lever-street, in Manchester aforesaid, file-manufacturer on his own account.—Official assignee, Stanway.—Sols. Atkinson & Saunders, Manchester, and Makinson & Sanders, Temple. Fiat, Sept. 12. On his own petition.

HOLMES James Simpson, of Liverpool, in the county of Lancaster, ship-broker and merchant, *d. c.* trading at Liverpool aforesaid, under the firm of J. S. Holmes & Company.—Official assignee, Bird.—Sols. Vincent & Sherwood, Temple, and Littledale & Bardswell, Liverpool. Fiat, Sept. 5. On his own petition.

10. BANKR. 1844.

HOPKINS Francis Charles, of No. 11 A., Tottenham-court-road, in the county of Middlesex, commission-agent and retailer of beer.—Official assignee, Whitmore.—Sol. Whittington, Dean-street, Finsbury. Fiat, Sept. 12. On his own petition.

JONES Thomas, and John Jones, of Liverpool, in the county of Lancashire, tallow-chandlers and soap-boilers, and also copartners, carrying on business under the firm of Thomas and John Jones.—Official assignee, Turner.—Sols. Cotterill, Throgmorton-street, and Fletcher & Hull, Liverpool. Fiat, Sept. 2. Pet. Cr. Edward Heath, of Liverpool, merchant.

ROSSITER George, of Bridgewater, in the county of Somerset, jeweller, *d. c.*—Official assignee, Alsager.—Sols. Taylor & Collisson, Great James-street, Bedford-row. Fiat, Sept. 16. Pet. Crs. William Wing and Abraham Scott, of No. 60, Red Lion-street, Holborn, watch-manufacturers.

TRUMBLE William, of Liverpool, in the county of Lancaster, licensed victualler, *d. c.*—Official assignee, Burd.—Sols. Vincent & Co. Temple, and Curry & Co. Liverpool. Fiat, Sept. 12. On his own petition.

CERTIFICATES to be allowed October 8.

Baker Thomas William, of Woolwich, builder.
Foster Edwin, of Dover, tailor.
Fryer George, of Alfred-street, City-road, grocer.
Goadsby Francis, jun., of Salford, druggist.
Marsden Isaac, jun., of Bradford, maltster.
Tansley Peter, of St. John-street, straw-plait dealer.
Wood William Robert, of Brighton, dentist.
Youngusband Thomas William, of Poplar, bitumen manufacturer.

DIVIDENDS.**Date of Fiat.**

1843, **BROOK** Thomas, of Longwood, in Huddersfield, Yorkshire, wool-cloth merchant; first and final div.
1844, **FOTHERGILL** John, sen., of Selby, Yorkshire, apothecary; first and final div.
1843, **HEATHORN** Joseph Lidwell, of No. 3, Abchurch-lane, London, ship-owner, as a trader indebted together with Henry Heathorn, Samuel Magnus, John Tate, Abraham Hort, Henry Blundell, Joseph Blundell, Solomon Cohen, Israel Isaacs, Abraham Harris, Leopold Neumege, George Dixon Longstaff, and George Alfred Muskett, since deceased; div.
1844, **HODGSON** Richard, of Bishop Auckland, Durham, mercer and draper; div.
1819, **LAMB** John Rutter, of Unsworth Lodge, in Pilkington, Lancashire, calico-printer, carrying on business with his son, John Lamb, a minor, under the firm of John Rutter Lamb & Co.; final div.
1827, **LAWTON** Emanuel, of Darlaston, Staffordshire, cooper; div.
1842, **LAYTON** Joseph, of Leeds, Yorkshire, fruit-merchant; final div.
1826, **MANIGLIER** Augustus, of Mincing-lane, London, merchant; div.
1844, **PARKER** George, of Sheffield, Yorkshire, spade and shovel manufacturer; first div.
1844, **PEMBERTON** John, of Knostrop, in Leeds, Yorkshire, soap-boiler; first div.
1843, **WALFORD** William, of Birmingham, Warwickshire, maltster; div.
1842, **WALKER** Thomas, of Houghton-le-Skerne, Durham, grocer, tea-dealer, market-gardener, and cow-keeper; final div.
1844, **WEIR** William, of Carlisle, Cumberland, iron-merchant; div.
1844, **WILKINSON** George, and Joseph Wilkinson, of Bishop Auckland, Durham, curriers; final div.
1840, **WOMACK** George, of Leeds, Yorkshire, cloth-merchant; final div.

Gazette, Friday, September 20.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

ALDERSON Isaac, of Warley, in the parish of Halifax, in the county of York, worsted-spinner.—Official assignee, Hope.—Sols. Jaques & Edwards, Ely-place, Edwards, Halifax, and Cronhelm, Leeds. Fiat, Sept. 4. Pet. Crs. Isaac, Samuel, and John Firth, of Halifax, worsted-spinners.

BALL John, and William Ball, of Langley, in the township of Sutton, in the county of Chester, silk-manufacturers, *d. c.* and co-partners.—Official assignee, Fraser.—Sols. Meredith & Reeve, New Square, Lincoln's Inn, and Parrott, Macclesfield. Fiat, Sept. 10. Pet. Cr. Joseph Warren, of Macclesfield, silkman.

BATES Francis, now or late of Shoreditch, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Alsager.—Sol. Moger, Paternoster-row. Fiat, Sept. 9. Pet. Cr. John Boyd, of Skinner-street, wholesale draper.

BURNETT Edward, of Riches-court, Lime-street, in the city of London, merchant.—Official assignee, Groom.—Sols. Reed & Shaw, Friday-street. Fiat, Sept. 18. Pet. Crs. John Falshaw Porson and John Stone, of St. Paul's-churchyard, warehousemen.

COLLIER William, of St. Andrew's-street, in the town of Cambridge, in the county of Cambridge, grocer and general shopkeeper, *d. c.*—Official assignee, Alsager.—Sols. Ashurst, Cheapside, and Hunt, Cambridge. Fiat, Sept. 12. Pet. Cr. James Hunt, of Cambridge, gent.

GRUNDY John, of Ramabottom, in the township of Tottington Lower End, in the county of Lancaster, woollen-manufacturer, *d. c.*—Official assignee, Stanway.—Sols. Clarke & Co. Lincoln's Inn-fields, and Messrs. Grundy, Bury. Fiat, Sept. 9. Pet. Cr. Richard Walker, of Woodhill, esq.

HIGHAM John, of Liverpool, in the county of Lancaster, provision-dealer, grocer, *d. c.*—Official assignee, Turner.—Sols. Cornthwaite & Adams, Doctors'-commons, and Fisher & Stone, Liverpool. Fiat, Sept. 9. Pet. Crs. John and James Bodel, of Liverpool, provision-merchants.

MARSH Thomas, of St. Martin's-hill, in the parish of St. Martin, in the city of Canterbury, miller, *d. c.*—Official assignee, Whitmore.—Sols. Smith, Southampton-buildings, and Walker, Canterbury. Fiat, Sept. 12. On his own petition.

NICOLL Benjamin, late of Moorgate-street, in the city of London, but now of No. 7, Rufford's-row, Islington, in the county of Middlesex, tailor, *d. c.*—Official assignee, Alsager.—Sol. Fisher, Bucklersbury. Fiat, Sept. 13. Pet. Crs. William Evans Robson and Thomas M'Gregor, of Cheapside, warehousemen.

PATTERSON Adam, of Liverpool, in the county of Lancaster, livery stable keeper, horse-dealer, and commission-agent, *d. c.*—Official assignee, Cazeneuve.—Sols. Moss, Liverpool, and Sharpe & Co. Bedford-row. Fiat, Sept. 14. Pet. Cr. John Henderson, of Liverpool, livery-stable keeper.

SCOVELL William, the younger, of Chilworth, in the county of Southampton, brick-maker, builder, *d. c.*—Official assignee, Edwards.—Sol. Paterson, Bouverie-street. Fiat, Sept. 9. Pet. Cr. Samuel Rugg, of Southampton, builder.

SHOTTER Francis, of Portsea, in the county of Hants, grocer and tea-dealer.—Official assignee, Whitmore.—Sol. Baylis, Devonshire-square. Fiat, Sept. 9. Pet. Crs. Thomas Rowley, James Steains, Thomas Davis, and John Phelps Steains, of No. 75, Cannon-street, tea-dealers.

CERTIFICATES to be allowed October 11.

Brown James, of Manchester, fustian manufacturer, (partner with Hugh Graham).

Margetts Francis, of Oxford, wine-merchant.

Roberts Frederick, of Handley, butcher.

Rowley Thomas Edward, of Oxford-street, draper.

DIVIDENDS.

Date of Fiat.

1843, **ADNUM** John, of Dorrington-street, Clerkenwell, Middlesex, upholsterer; div.

1842, **BENT** John, of Dudley, Worcestershire, grocer; final div.

1842, **BULL** William, and Francis Turner, of Birmingham, Warwickshire, printers and engravers; final div.

1841, **COE** Miles, of Goldsmith-street, Wood-street, Cheapside, London, laceman; div.

1842, **EVANS** Thomas, of Denbigh, scrivener, banker, and ship-owner; div.

1843, **FENDALL** George, of Woodstock-street, Oxford-street, Middlesex, butcher; div.

1843, **FOSTER** John Lambert, of Jewry-street, Aldgate, London, harness-maker; div.

1837, **HILL** James, of Seacombe, in Wallasey, Cheshire, brewer; div.

1828, **MAYO** Edward, late of No. 11, Craven-buildings, Drury-lane, Middlesex, woollen-draper; div.

Date of Fiat.

1834, **NICKS** John, of Warwick, carpenter and builder; final div.

1819, **PHILLIPS** Richard, of Exeter, chemist and druggist; div.

1822, **TURTON** William, of West Bromwich, Staffordshire, coal and iron master; final div.

1842, **WALTERS** Phillip, and Morgan Llewellyn, both of Nash, Glamorganshire, timber-merchants and ship-builders; final div.

1843, **WARD** Thomas, of Nottingham, tailor and woollen-draper; final div.

1835, **WHITLEY** John, of Liverpool, Lancashire, money- scrivener; div.

1842, **YOUNGER** Samuel, of Great Tower-street, London, merchant and chicory manufacturer; div.

Gazette, Tuesday, September 24.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BOWEN William, of Merthyr Tydfil, in the county of Glamorgan, grocer and tallow-chandler, *d. c.*—Official assignee, Kynaston.—Sol. Jarman, Bristol. Fiat, Sept. 13. Pet. Crs. Samuel, William, and Arthur Tanner, of Bristol, wholesale stationers.

GIBBONS Henry, of Wolverhampton, in the county of Stafford, chemist, druggist, and varnish maker, *d. c.*—Official assignee, Bittleston.—Sols. Phillips & Bolton, Wolverhampton. Fiat, Sept. 18. Pet. Crs. Thomas Clark, of Wolverhampton, and Charles Clark, his partner, iron-founders.

MACKENZIE Duncan John, of No. 33, Chambers-street, Mimoria, in the county of Middlesex, provision-merchant, trading under the firm of D. J. Mackenzie & Co.—Official assignee, Groom.—Sols. Lawrance & Plews, Bucklersbury. Fiat, Sept. 18. Bankrupt's own petition.

MEARNS William Archibald, of Acre-lane, Clapham, in the county of Surrey, ale and porter brewer, *d. c.*—Official assignee, Groom.—Sols. Fyson & Curling, Frederick's-place, Old Jewry. Fiat, Sept. 20. Pet. Cr. Edward Chuck, of Ware, Herts, maltster.

MONCKMAN Thomas Mosier, of Bradford, in the county of York, tobacconist, *d. c.*—Official assignee, Young.—Sols. Wigglesworth & Co. Gray's Inn, and Barwick, Leeds. Fiat, Sept. 13. Pet. Cr. William James Chaplin, of Leeds, tea-dealer.

ROBINSON Peter, of Warrington, in the county of Lancaster, boot manufacturer.—Official assignee, Stanway.—Sols. Oliver, Old Jewry, and Evans, Liverpool. Fiat, Sept. 19. Bankrupt's own petition.

SNELL Joseph William, formerly of Mount-place, Mile-end-road, in the county of Middlesex, boot and shoe maker, but now of Ramsgate, in the county of Kent, lodging-house keeper, *d. c.*—Official assignee, Groom.—Sol. Stephen, Skinner-place, Sise-lane, Bucklersbury. Fiat, Sept. 19. Bankrupt's own petition.

WILLERT Conrad Roosenstern, of Church-court, Clement's-lane, in the city of London, merchant, *d. c.*—Official assignee, Edwards.—Sol. Jones, Sise-lane, Bucklersbury. Fiat, Sept. 20. Pet. Cr. Christopher Collett Cheesman, of Aldermanbury, warehouseman.

CERTIFICATES to be allowed October 15.

Austin John Sunman, of Bedford, surveyor.

Fisher Henry Holmes, of Bury-street, and Duke-street, St. James's, tailor and army clothier.

Smith John, of Bacup, and Manchester, calico-printer.

Thompson William, of Newcastle-upon-Tyne, Buenos Ayres, and Monte Video, merchant, (partner with James Mellis).

Ward John, of West Bromwich, coach-maker.

DIVIDENDS.

Date of Fiat.

1842, **BENNETT** John, of Manchester, Lancashire, calico-printer; fur. div.

1838, **BROWN** Benjamin, of New Windsor, Berkshire, oilman and cheesemonger; div.

1840, **HEBBLEWHITE** Thomas, of Liverpool, Lancashire, wine and spirit merchant; fur. div.

1842, **HILTON** Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; first joint div., and first sep. div. of Walsh.

late of Fiat.

- 842, **HILTON** Henry, of Over Darwen, Lancashire, bleacher and finisher and coal-merchant; first joint div. of H. and E. Hilton, and first sep. div. of H. Hilton.
- 844, **HOWARTH** John, of Rochdale, Lancashire, woollen and flannel manufacturer; div.
- 844, **JEVONS** Sarah, of Silver-street, Lincoln, shoe-maker; div.
- 1842, **LINDON** Joseph, of Plymouth, Devonshire, merchant; fur. div.
- 1844, **PLANK** Frederick, of Plymouth, Devonshire, perfumer and general dealer; div.
- 1843, **SLAGG** Thomas, of Manchester, Lancashire, merchant and commission-agent; first div.
- 1843, **SOUTHERN** Thomas, of Gloucester, grocer; div.
- 1843, **THORPE** Thomas, now or late of Chertsey, and of Woking, Surrey, and of Feltham, Middlesex, plumber, painter, and glazier; div.

Gazette, Friday, September 27.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ELDRIDGE** Thomas, of Upper North-place, Gray's Inn-road, in the county of Middlesex, and also late of No. 3, Great Queen-street, Lincoln's Inn-fields, in the same county, coach-builder, *d. c.*—Official assignee, Groom.—Sols. Chamberlayne & Meaden, Great James-street. Fiat, Sept. 24. Pet. Cr. James Bishop, of Gilbert-street, Bloomsbury, wheelwright.
- LAMBERT** John, of New Elvet, in or near the city of Durham, grocer, flour-dealer, *d. c.*—Official assignee, Baker.—Sols. Crosby & Compton, Church-court, Thompson, Durham, and Hoyle, Newcastle. Fiat, Sept. 19. Pet. Cr. Charles Wilson Lowes, of Durham, tobacconist.
- LEYBOURN** James, of Bradford, in the county of York, provision shop-keeper, cabinet-maker, *d. c.*—Official assignee, Freeman.—Sols. Foster, Bradford, and Nethersole, Essex-street. Fiat, Sept. 19. On bankrupt's own petition.
- M'LAUGHLIN** Edward, of Long-lane, Bermondsey, in the county of Surrey, hair and glue merchant, *d. c.*—Official assignee, Edwards.—Sols. Kedell & Baker, Lime-street. Fiat, Sept. 26. Pet. Crs. William Tanner and John Ward, of Leadenhall-place, Lime-street, leather-factors.
- STACY** Frederick Both, and William Stacy, of Lawrence-lane, Cheapside, in the city of London, warehousemen, copartners, *d. c.*, trading under the firm of Stacy, Brothers.—Official assignee, Edwards.—Sols. Crowder & Maynard, Coleman-street. Fiat, Sept. 19. Pet. Cr. Hyppolite Burlatt, of Lyons, now residing at Stevens's Hotel, Bond-street.
- WEBB** John Gregory, of Rosamond-buildings, Islington, in the county of Middlesex, mineral water manufacturer, *d. c.*—Official assignee, Groom.—Sol. James, Basinghall-street. Fiat, Sept. 19. Pet. Cr. William Haigh, of Church-lane, Whitechapel, cork-manufacturer.
- WILLIAMS** William, and Joseph Sawtell, of Newport, in the county of Monmouth, corn and provision merchants, trading under the style or firm of Phillips & Company.—Official assignee, Kynaston.—Sol. Prothero, Newport. Fiat, July 17. Pet. Cr. William North, of Cannington, Somersetshire, miller.

CERTIFICATES to be allowed October 18.

- Garnett** James Francis, of Wellington-street, and Tooley-street, hatter.
- Holland** John, of Buxted, draper and grocer.
- Muir** George, of Newcastle-upon-Tyne, draper.
- Royle** James, of Manchester, corn dealer.

DIVIDENDS.

Date of Fiat.

- 1844, **ANDREW** John, of Maryport, Cumberland, gentleman, heretofore of Ramsay, in the Isle of Man, banker, and lately carrying on business at Douglas, Isle of Man, as a member, partner, or shareholder, together with divers other persons, of and in a certain joint-stock banking company or copartnership there established, under the name, style, or firm of the Isle of Man Joint Stock Banking Company, but which bank has now ceased to carry on business; final div.

Date of Fiat.

- 1843, **CLARKE** John, Richard Mitchell, Joseph Philips, and Thomas Smith, all of Leicester, bankers, carrying on business at Leicester aforesaid, and also at Lutterworth, Leicestershire, and at Melton Mowbray, same county, and at Uppingham and Oakham, Rutlandshire, under the name or style of Clarke, Mitchell, Philips, and Smith, the said Richard Mitchell carrying on, in his individual capacity, the business of a hosier at Leicester; sep. divs. of Philips and Smith.
- 1841, **HILL** Thomas, the younger, and William Brookes, of St. Mary Axe, London, merchants; joint and sep. divs.
- 1842, **KEARSLEY** Thomas, of Tyldesley, Lancashire, cotton-spinner; first div.
- 1840, **LAMB** Robert, of Stockton, iron-merchant; final div.

Gazette, Tuesday, October 1.

BANKRUPTS.

BANKRUPTCY ENLARGED.

DICKEN Edward, of Tycock, Denbighshire, grocer and draper.

TOWN AND COUNTRY FIATS.

- ASHWELL** Edward, late of North Walsham, in the county of Norfolk, butcher, *d. c.*, and now of Yeldon, in the county of Bedford, *d. c.*—Official assignee, Edwards.—Sols. Clarke & Co. Lincoln's Inn-fields, and Beckwith & Co. Norwich. Fiat, Sept. 23. Pet. Cr. Joseph Mace, of Norwich, farmer.
- DEFLINNE** Francis, of Manchester, in the county of Lancaster, check and gingham manufacturer.—Official assignee, Fraser.—Sols. Milne & Co. Temple, and Crossley & Sudlow, Manchester. Fiat, Sept. 26. Bankrupt's own petition.
- HAYNES** Henry, of Scole, in the county of Norfolk, innkeeper, wine and spirit merchant, and coach-proprietor.—Official assignee, Edwards.—Sols. White & Co. Lincoln's Inn-fields, and Musket, Diss. Fiat, Sept. 16. Pet. Crs. Robert Fincham, Henry James Oakes, Robert Beavan, and George Moor, of Diss, Norfolk, bankers.
- MASLIN** Martin, of Croydon, in the county of Surrey, coal and lime merchant, *d. c.*—Official assignee, Edwards.—Sol. Ashurst, Cheap-side. Fiat, Sept. 26. Bankrupt's own petition.
- MAUND** Jonathan Thomas, of Birmingham, in the county of Warwick, laceman, hosier, and bazaar-keeper.—Official assignee, Edwards.—Sols. Reed & Shaw, Friday-street. Fiat, Sept. 27. Pet. Crs. Richard Groucock, George Moor, and Sampson Copestake, of Bow-churchyard, warehousemen.
- NICHOLLS** Charles Kerry, late of the Adelphi House, Adam-street, Adelphi, in the city of Westminster, now of No. 8, Bridge-road, Battersea, in the county of Surrey, banker, scrivener, *d. c.*—Official assignee, Alsager.—Sol. Townshend, Howland-street, Fitzroy-square. Fiat, Sept. 2. Bankrupt's own petition.
- ROBINSON** Richard, of No. 457, Strand, in the county of Middlesex, coal-merchant, lately in partnership with Nathaniel Coombes, and carrying on business under the firm of Coombes & Robinson.—Official assignee, Groom.—Sols. Yonge & Hancock, Tokenhouse-yard. Fiat, Sept. 26. Pet. Cr. Richard Robinson, of No. 457, Strand, coal-merchant.
- WATSON** Ross, and Robert Morris, of Liverpool, in the county of Lancaster, brokers, *d. c.*—Official assignee, Morgan.—Sols. Messrs. Vincent & Co. Inner Temple, and Minshull, Liverpool. Fiat, Sept. 25. Pet. Crs. John Grant Morris, Andrew Hurts, Thomas Case, and John Ashton Case, of Liverpool, tar-distillers.
- WEBB** Richard John, of No. 36, Milsom-street, Bath, in the county of Somerset, wine and spirit merchant, *d. c.*—Official assignee, Miller.—Sols. Dimmock & Co. Sise-lane, and Hassell, Bristol. Fiat, Sept. 24. Pet. Crs. Henry Reay and John Reay, jun., of No. 64, Mark-lane, wine-merchants.

CERTIFICATES to be allowed October 22.

- Burton** John Clarkson, late of Nottingham, lace-manufacturer, but now of Ecclesfield.
- Carruthers** John, of Blackburn, draper and tea-dealer.
- Cope** Charles, of Edgbaston, wine-merchant and agent.
- Fairfield** James, of Tranmere and Liverpool, corn-merchant.
- Forrest** James Alexander, of Liverpool, glass-merchant and paint manufacturer.

Green Tom Walter, of Leeds, bookseller and printer.
Swaine Thomas James, of Hatfield Woodside, innholder, but now of Newland-street, Eaton-square, Pimlico.

DIVIDENDS.

Date of Fiat.

- 1811, BENTLEY Thomas, and Ebenezer Alexander Whytt, of Fenchurch-street, London, drysalters; sep. div. of Whytt.
1844, HALLS Lewis Langdon, of Taunton, Somersetshire, tea-dealer and grocer, trading under the style or firm of Ridgway, Halls & Co.; div.
1844, HITCHCOCK Robert, of Taunton, Somersetshire, miller; div.
1844, HURST Robert, of Newcastle-upon-Tyne, draper; first and final div.
1844, MILLAR Thomas, of Liverpool, Lancashire, hosiery and draper; fur. div.
1844, NEWMAN Robert Dawson, of Leeds, Yorkshire, corn-factor; div.
1840, WEATHERBY Edward, of Newmarket, Cambridgeshire, James Hilton Ford, of Bodlondet, Carnarvonshire, William Legh Hilton, of Holywell, Flintshire, Richard Addison, of Preston, Lancashire, and Robert Gibson, of Bolton-le-Sands, Lancashire, cotton-spinners and bankers, carrying on business together as surviving partners of John Douglas, deceased, and as cotton-spinners at Manchester, Lancashire, and at Holywell, Flintshire, under the style or firm of the Holywell Company, and as bankers at Holywell, under the style or firm of Douglas, Smalley & Co.; sep. div. of William Legh Hilton.

Gazette, Friday, October 4.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ALEXANDER George, of Beaminster, in the county of Dorset, innkeeper.—Official assignee, Hernaman—Sols. Newman & Co. Yeovil. Raven, Temple, and Terrell & Roberts, Exeter. Fiat, Sept. 24. Pet. Cr. Thomas Cave, of Yeovil, brewer.
CROXTON George, of Manchester, in the county of Lancaster, glass and china dealer, also carrying on business in Manchester aforesaid, in copartnership with James Langshaw, as poulterers, d. c.—Official assignee, Pott—Sols. Jaques & Co. Ely-place, and Chew, Manchester. Fiat, Sept. 30. Pet. Crs. Thomas Molyneux, Thomas Webb, Mary Ellis, and Boulton Molineux, of Manchester, glass and vial manufacturers.
HOWARD Frank, of No. 22, Tonbridge-place, Hoxton, in the county of Middlesex, publisher, artist, d. c.—Official assignee, Bell.—Sol. Bird, Lincoln's Inn-fields. Fiat, Oct. 2. Pet. Crs. John Samuel Hunt, John Hunt, and Robert Ristall, of New Bond-street, silversmiths.
METCALF John, of Macclesfield, in the county of Chester, silk-manufacturer.—Official assignee, Hobson.—Sols. Milne & Co. Temple, and Ainsworth, Macclesfield. Fiat, Sept. 30. Pet. Cr. Charles Bickerton, of Macclesfield, joiner.
SMITH Leny Deighton, Henry Smith, and George Frederick Smith, of Dulverton, in the county of Somerset, and of Gutter-lane, London, crape-manufacturers.—Official assignee, Turquand.—Sol. Kirkman, King William-street. Fiat, Oct. 1. Pet. Crs. Richard Davies, William Bell, Robert Hodgson, and Lewis Hebling, of Old Broad-street, merchants.
TULLEY Alfred, of Hackney, in the county of Middlesex, grocer and tea-dealer, d. c.—Official assignee, Johnson.—Sols. Norton & Son, New-street, Bishopsgate-street. Fiat, Oct. 2. Pet. Cr. William Trimmis Grove, of Arthur-street West, London-bridge, cigar-dealer.

CERTIFICATES to be allowed October 25.

- Cox Thomas, of Porchester-street, fruiterer.
Killick Charles, of Blackman-street, paper-stainer, (partner with John Sadd).
Lamb Edward Buckton, of Burton-crescent, builder.
Lorraine John Lambton, of Newcastle, wine-merchant.
Munro Isaac, of Princes-street, and Manchester-buildings, Westminster, builder.
Norman Benjamin, of Cheltenham, ironmonger, (partner with Edwin Buckman).
Young James, of Aldermanbury, laceman.

DIVIDEND.

Date of Fiat.

1841, PORTER Joseph, of Barnsley, Yorkshire, callenderer; second and final div.

Gazette, Tuesday, October 8.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- AKEHURST Ann, of East Malling, in the county of Kent, baker.—Official assignee, Groom.—Sols. Selby & Mackeson, Serjeant's Inn. Fiat, Sept. 30. Pet. Cr. James Phillips, of Ryarsh, Kent, miller.
BREZ John James, of the borough and city of Chester, tailor and draper, d. c.—Official assignee, Morgan.—Sols. Thompson, Liverpool, and Norris & Co. Bartlett's-buildings. Fiat, Oct. 1. Pet. Crs. William Argles Phillips and John Holme, of Liverpool, woollen-drappers.
BUTTERWORTH Thomas William, of Bedford-street, in the township of Hulme, in the county of Lancaster, draper and mill-ware dealer, also carrying on the business of a manufacturer and fent dealer, in Back George-street, in Manchester, in the said county of Lancaster, in partnership with William Liffie, under the firm of T. W. Butterworth & Co. d. c.—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Hitchcock & Co. Manchester. Fiat, Oct. 3. Bankrupt's own petition.
DANCASTER John, of St. James's-street, Brighton, in the county of Sussex, painter and glazier.—Official assignee, Bell.—Sols. Galsworthy & Nichols, Cook's-court, Carey-street. Fiat, Oct. 4. Bankrupt's own petition.
FLEETHAM Saint Andrew, of Hartlepool, in the county of Durham, grocer and shopkeeper.—Official assignee, Wakley.—Sols. Meggison & Pringle, King's-road, and Wilson & Turnbull, Hartlepool. Fiat, Sept. 24. Pet. Crs. William Bannington and Henry Thorpe, of Stockton, grocers.
PELLISSIER Adele, of No. 12, Bentinck-terrace, Regent's-park, in the county of Middlesex, lodging-house keeper, d. c.—Official assignee, Graham.—Sol. Christmas, Raymond-buildings. Fiat, Oct. 1. Bankrupt's own petition.
PRIOR John, and Henry Brady, of the town or borough of Kingston-upon-Hull, in the county of the same town or borough, brush-manufacturers, oil and colour merchants, d. c. and copartners.—Official assignee, Freeman.—Sols. Willis & Co. Tokenhouse-yard, Messrs. Colbeck & Thompson, Hull, and Messrs. Horsfall & Burison, Leeds. Fiat, Sept. 27. Pet. Crs. William and Samuel Tuley, of Hull, lead-merchants.
PUGSLEY Daniel, of No. 15, Great Distaff-lane, in the city of London, warehousman, d. c.—Official assignee, Johnson.—Sols. Messrs. Sole, Aldermanbury. Fiat, Oct. 3. Bankrupt's own petition.
RIGMAIDEN Edward, of Liverpool, in the county of Lancaster, wine and spirit dealer.—Official assignee, Cazenove.—Sols. Chess & Co. Staple Inn, and Hodgson, Liverpool. Fiat, Sept. 30. Bankrupt's own petition.
ROSKELL Nicholas, of Liverpool, in the county of Lancaster, merchant, carrying on business in copartnership with James de Peyser Ogden, at Liverpool aforesaid, under the firm of Roskell, Ogden & Company, and at New York, under the firm of James de Peyser & Company.—Official assignee, Cazenove.—Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, Oct. 3. Bankrupt's own petition.
TRISTRAM Job, of Two Mile Houses, in the parish of Becontree, in the county of Nottingham, beer-house keeper, d. c.—Official assignee, Young.—Sols. Messrs. Baxter, Lincoln's Inn-fields, Wob. Nottingham, and Messrs. Payne & Co. Leeds. Fiat, Sept. 27. Pet. Cr. Stephen Hanson, of Nuthall, Notts, gentleman.
WANOSTROCHT Nicholas, late of Alfred House, Blackheath, and now of Heath Cottage, Blackheath-hill, in the county of Kent, boarding-house keeper, d. c.—Official assignee, Edwards.—Sol. Thomas, Fen-court, Fenchurch-street. Fiat, Oct. 3. Bankrupt's own petition.
WEST Frederick Henry, of the White Hart Tavern and Railway Hotel, No. 197, High-street, Shoreditch, in the county of Middlesex, licensed victualler, d. c.—Official assignee, Turquand.—Sol. Swan, Great Knight Rider-street. Fiat, Oct. 3. Bankrupt's own petition.

CERTIFICATES to be allowed October 29.

- Avery John, of Mincing-lane, and Cumberland-place, Old-Kent-road, colonial broker.
 Bail John, of Salisbury, cabinet-maker.
 Burkill John, of Louth, merchant.
 Drew Robert, of Compton-street, victualler.
 Ramsay Mary, and Ralph Ramsay, of Scotswood, paper-manufacturers.
 Saxby Richard Scrace, of Old Fish-street, wine-merchant.

*DIVIDENDS.**Date of Fiat.*

- 1844, BARHAM Richard, of Emsworth, Hants, linen-draper; div.
 1844, BATES William Henry, of Birmingham, Warwickshire, factor; div.
 1841, DARCY John, and Richard Dierden, both of Sutton, Lancashire, alkali-manufacturers; fur. div.
 1837, DICKINSON William, and Thomas Throp, both of Blackburn, Lancashire, iron-founders and machine-makers; final div.
 1844, DIXON Henry Jecks, and John Dixon, of Kidderminster, Worcestershire, and of Aldermanbury, London, carpet-manufacturers; joint div., and sep. div. of H. J. Dixon.
 1836, GALLIMORE Ambrose, of Stone, Staffordshire, printer and publisher; final div.
 1844, HARVEY Thomas, of the Eagle Hotel, Wandsworth, Surrey, innkeeper and wine-merchant; div.
 1842, HILL William, and William Kemble Wackerbarth, of Leadenhall-street, London, ship and insurance agents; div.
 1842, HILTON John, of Tipton, Staffordshire, currier and leather-dealer; final div.
 1834, HOCKNELL George, of Stone, Staffordshire, innkeeper; final div.
 1844, HOLT William James, of Grantham, Lincolnshire, tea-dealer and grocer; div.
 1844, MALLALIEU James, formerly of High-stile, within Saddleworth, Yorkshire, woollen-manufacturer and merchant, believed to be now or late residing at New York, United States of North America; div.
 1843, MEADOWS James, of Wavertree, near Liverpool, Lancashire, miller; first div.
 1844, MONK William, the younger, of Nottingham, currier and leather-cutter; div.
 1842, ROBINSON Edward Briggs, of Nottingham, printer, stationer, and bookseller; final div.
 1841, SADLER George, of Cheltenham, Gloucestershire, linen-draper and grocer; div.
 1839, SENIOR James, of Lassells Hall, in Kirkheaton, Yorkshire, fancy-cloth manufacturer and common brewer; final div.
 1844, VERNON John, of Monks Coppenhall, Cheshire, licensed victualler; first div.
 1844, YOUNG James, of Aldermanbury, London, laceman and milliner; div.

*Gazette, Friday, October 11.**BANKRUPTS.**TOWN AND COUNTRY FIATS.*

- CORK John Frederick, and James Launcelot De Carle, both of No. 142, New Bond-street, in the county of Middlesex, coach-builders, and the latter also of No. 3, Heathfield-terrace, Turnham-green, in the same county.—Official assignee, Turquand.—Sol. Roper, Lincoln's Inn-fields. Fiat, Oct. 8. Pet. Crs. William and George Southey, of Chenies-street, Bedford-square, curriers.
 COULSON James, of Great Clacton, in the county of Essex, innkeeper.—Official assignee, Johnson.—Sol. Mawe, New Bridge-street. Fiat, Oct. 4. Pet. Cr. John Posford Osborn, of Colchester, merchant.
 JAMES Charles, of No. 95, Grand Junction-terrace, Edgeware-road, Paddington, in the county of Middlesex, oilman and Italian warehouseman.—Official assignee, Johnson.—Sols. Chamberlayne & Meaden, Great James-street. Fiat, Oct. 3. Bankrupt's own petition.

11. BANKR. 1844.

MARTIN Thomas George, late of Great Winchester-street, in the city of London, and now of Cold Harbour-lane, Camberwell, in the county of Surrey, wine-merchant, *d. c.*—Official assignee, Bell.—Sol. Jinkinson, Cannon-street. Fiat, Oct. 8. Pet. Cr. William Heath, of Nag's Head-court, Gracechurch-street, solicitor.

PENSAM Caroline, of No. 386, High-street, Cheltenham, in the county of Gloucester, dress and straw bonnet maker.—Official assignee, Hutton.—Sol. Styles, Cheltenham. Fiat, Oct. 7. Pet. Cr. William Curtis, of Cheltenham, furniture-broker.

ROWE Henry, of No. 33, Charles-street, Hatton-garden, in the parish of St. Andrew, Holborn, in the county of Middlesex, merchant, *d. c.*—Official assignee, Edwards.—Sol. Johnson, Walcot-square. Fiat, Oct. 7. Pet. Cr. John Rumsey, of Wapping-wall, tailor.

WARREN Amelia, of No. 45, Parliament-street, Westminster, in the county of Middlesex, widow, confectioner and fruiterer.—Official assignee, Bell.—Sol. James, Basinghall-street. Fiat, Oct. 4. Bankrupt's own petition.

WHITEHEAD James, now of Ainsworth, in the county of Lancaster, but late of Bolton-le-moors, in the same county, common brewer.—Official assignee, Pott.—Sols. Chilton & Acland, Chancery-lane, and Hutton, Bolton-le-Moors. Fiat, Oct. 3. Pet. Cr. George Binks, of Bolton-le-Moors, merchant.

CERTIFICATES to be allowed November 1.

Gray William, of Sheffield, wine-merchant.
 Mackenzie George, of Liverpool, ship-broker.
 Smith William Bestoe, of Sudbury, surgeon.
 Vernon John, of Monks Coppenhall, victualler.
 Jones John, of Conway, ship-builder.

*DIVIDENDS.**Date of Fiat.*

- 1844, CLARK Joseph, of Mincing-lane, Fenchurch-street, London, colonial broker; div.
 1842, COATES George, of Hart-street, Bloomsbury, Middlesex, apothecary and druggist; div.
 1844, CROWDER Robert, of West Auckland, Durham, iron-founder; div.
 1843, HARBOTTLE John, of Amble, Northumberland, grocer and draper; div.
 1843, HAZARD Thomas Oldfield, and Henry Bingham, both of Sheffield, Yorkshire, merchants and manufacturers; final div.
 1844, HOWLAND Robert, of Thame, Oxfordshire, auctioneer; div.
 1843, LISTER James Corbett, of Wolverhampton, Staffordshire, wine-merchant; div.
 1844, NORMAN Benjamin, and Edwin Buckman, of Cheltenham, Gloucestershire, ironmongers; joint and sep. divs.
 1843, PEARSON Henry, of York, attorney-at-law and common brewer; div.
 1844, PETRIE John Carr, of Bedlington, Durham, miller and grocer; div.
 1844, SMITH James Linthwaite, of Leicester, cabinet-maker; div.
 1844, TUCK Edmund, of No. 70, Haymarket, Middlesex, silversmith; div.
 1843, WRIGHT Thomas, of Blackmore-street, Clare-market, Middlesex, cheesemonger; div.

*Gazette, Tuesday, October 15.**BANKRUPTS.**TOWN AND COUNTRY FIATS.*

BALL Gideon, of No. 3, Albion-place, Upper Bristol-road, in the city of Bath, in the county of Somerset, carpenter and builder, *d. c.*—Official assignee, Acraman.—Sols. Drake, Bath, and Richards & Co. Lincoln's Inn-fields. Fiat, Oct. 7. Ret. Cr. James Lester, of Walcot, timber-merchant.

BERENGER Frederick Arnold, late of No. 20, Homer-street, Crawford-street, Marylebone, in the county of Middlesex, clothier and general salesman, *d. c.*—Official assignee, Johnson.—Sol. Teague, Crown-court, Cheapside. Fiat, Oct. 10. Bankrupt's own petition.

BIBBY James, of Liverpool, in the county of Lancaster, coach and car proprietor, and livery-stable keeper, *d. c.*—Official assignee, Morgan.—Sols. Cornthwaite, Liverpool, and Cornthwaite & Adams, Old Jewry Chambers. Fiat, Oct. 9. Pet. Cr. Philip Mullin, of Liverpool, coach-builder.

COALL William John Jackman, of Queen-street, in the city of Exeter, grocer.—Official assignee, Hirtzel.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, Oct. 10. Bankrupt's own petition.

HALL Thomas Batt, of Coggershall, in the county of Essex, grocer and shopkeeper.—Official assignee, Graham.—Sols. Wire & Child, St. Swithin's-lane. Fiat, Oct. 8. Pet. Cr. Thomas Moore, of Colchester, grocer.

LEE Michael, and Barnett Lee, both of Duke-street, Piccadilly, in the county of Middlesex, copartners, tailors, *d. c.*, the said Michael Lee having a private residence No. 28, Somerset-place, Chelsea, Middlesex.—Official assignee, Bell.—Sols. Lewis & Lewis, Ely-place. Fiat, Oct. 10. Bankrupt's own petition.

MINTER William, of Colchester, in the county of Essex, builder and innkeeper, *d. c.*—Official assignee, Graham.—Sols. Milne & Co. Temple, and Smithers & Co. Colchester. Fiat, Oct. 7. Pet. Cr. Francis Gibbs Abell, of Colchester, attorney.

TABBERNER Thomas, of Birmingham, in the county of Warwick, corn-factor and hop-merchant, *d. c.*—Official assignee, Whitmore.—Sols. Bartlett, Birmingham, and Holme & Co. New Inn. Fiat, Oct. 7. Pet. Cr. James Tyler, of Worcester, hop-merchant.

WILLIAMS Henry David, of East-street, in the town and county of the town of Southampton, plumber, painter and glazier, *d. c.*—Official assignee, Bell.—Sol. Paterson, Bouverie-street. Fiat, Oct. 10. Bankrupt's own petition.

CERTIFICATES to be allowed November 5.

Carter Thomas, jun., of Waltham, butcher.

M'Divitt Michael, of Liverpool, merchant and agent.

Toft William, of Wakefield, alkali-manufacturer.

DIVIDENDS.

Date of Fiat.

1840, **BAXTER** Robert, of Montague-close, Southwark, Surrey, wharfinger, and late of Tottenham, Middlesex, farmer; final div.

1843, **DONKIN** Thomas, of Sydney-street, Cambridge, victualler; div.

1842, **GRAYDON** Charles, of St. Ann's-place, Limehouse, Middlesex, ship-chandler and timber-merchant; div.

1839, **HELDER** George, and William Helder, of No. 17, Clement's Inn, Middlesex, money-scriveners, and also carrying on business in Holles-street, Cavendish-square, as dress-makers and milliners; sep. divs.

1842, **HILTON** Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; first joint div., and sep. div. of Walsh.

1842, **HILTON** Henry, of Over Darwen, Lancashire, bleacher and finisher and coal-merchant; first div. of Henry Hilton, and first joint div. of Henry and Edward Hilton.

1844, **JENKINS** John, of Crown-place, Old Kent-road, currier and leather-seller; div.

1828, **JOHNSTON** Edward, the younger, and Thomas Manley, of Whitehaven, Cumberland, sugar-refiners and merchants; final joint div.

1828, **JOHNSTON** Edward, Anthony Adams, and John Hope, of Whitehaven, Cumberland, bankers; sep. div. of Johnston and Adamson, and final joint div.

1844, **SMITH** William Bestoe, of Sudbury, Suffolk, surgeon and apothecary; div.

1844, **TANSLEY** Peter, of No. 122, St. John-street, West Smithfield, straw-plait dealer; div.

1844, **WALKER** Henry, of Luton, Bedfordshire, cordwainer; div.

1844, **WOOD** Henry, of Basinghall-street, London, woollen-factor and warehouseman; div.

1844, **YEARDLEY** John, William Yeardley, and Elizabeth Yeardley, of Ecclesfield Mill, in Ecclesfield, Yorkshire, flax-spinners, carrying on business under the firm of Yeardley & Co.; first div.

Gazette, Friday, October 18.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

CHEQUER William, of No. 248, Blackfriars-road, in the parish of Christ Church, in the county of Surrey, saddler and harness-maker.—Official assignee, Follett.—Sol. Kind, Clement's-lane. Fiat, Oct. 17. Pet. Cr. William Gough Creason, of Earl's-court, Leicester-square, saddler.

FOOTNER Robert, of Lymington, in the county of Southampton, cabinet-maker and upholsterer.—Official assignee, Johnson.—Sols. Pownall & Cross, Staple Inn. Fiat, Oct. 16. Pet. Crs. John Newton, Thomas Newton, and Richard Thomas Newton, of Paul-street, Finsbury, timber-merchants.

HILL William, of Powis-street, Woolwich, in the county of Kent, builder.—Official assignee, Bell.—Sol. Hughes, Chapel-court, Bedford-row. Fiat, Oct. 14. Pet. Cr. John Wilson Newball, of Woolwich, ironmonger.

PERKINS Briseis, and Sarah Woolley, of Stamford, in the county of Lincoln, drapers and milliners, and copartners.—Official assignee, Turquand.—Sols. Reed & Shaw, Friday-street. Fiat, Oct. 9. Pet. Crs. John Porter Foster and Richard Porter, of Wood-street, warehousemen.

RICHARDSON William, of the borough and county of Newcastle-upon-Tyne, glass-manufacturer, painter and glazier.—Official assignee, Baker.—Sols. Shaw & Newstead, Ely-place, and Walters, Newcastle. Fiat, Oct. 7. Pet. Cr. Robert Boyd, of Newcastle-upon-Tyne, banker.

ROGERS Charles, of No. 43, Bishopsgate-street Within, in the city of London, saddler and harness-maker.—Official assignee, Johnson. Sols. Morris & Co. Moorgate-street Chambers. Fiat, Oct. 16. Pet. Cr. James Boston, of Bishopsgate-street, saddler.

SMITH Thomas, the elder, of Minto-street, Bermondsey, in the county of Surrey, wool and rugging manufacturer, *d. c.*—Official assignee, Graham.—Sol. Burbidge, Hatton-garden. Fiat, Oct. 13. Pet. Cr. James Barwick, of Denmark-street, St. George's in the East, rag-merchant.

CERTIFICATE to be allowed November 8.

Mackenzie Murdoch, Adam Watson, and George Mackenzie, of Liverpool, ship-brokers.

DIVIDENDS.

Date of Fiat.

1818, **ASKHAM** Richard Dickon, late of Knottingley, Yorkshire, lime-burner and coal-merchant; div.

1843, **AUSTIN** Edward Vaughan, of No. 61, Paradise-street, Rotherhithe, Surrey, apothecary and surgeon; div.

1844, **BARKER** Robert, of Manchester, Lancashire, druggist; div.

1844, **BASLEY** Daniel, of Nos. 61 and 62, High-street, Southwark, Surrey, and of No. 38, Surrey-place, Old Kent-road, same county, cheesemonger; div.

1843, **BATE** Thomas, William Smith Bate, and James Hellings, of Rugeley, Staffordshire, brewers, trading under the firm of Bate, Brothers, and Hellings; div.

1843, **BROOMHEAD** William, of Birmingham, Warwickshire, and of Sheffield, Yorkshire, merchant; div.

1844, **DETHICK** William, of Temple-street, Whitefriars, London, lime-merchant; div.

1844, **DREW** Robert, of the Builders Arms public-house, Compton-street, Regent-street, Middlesex, licensed victualler; div.

1843, **FENNER** Ludd, and William Fenner, of No. 34, Fenchurch-street, London, merchants; joint div.

1844, **FIELDING** George, of Thame, Oxfordshire, ironmonger; div.

1837, **GREEN** James, of Exeter, civil engineer; div.

1843, **HEATHORN** Joseph Lidwell, of No. 3, Abchurch-lane, London, ship-owner, as a trader indebted together with Henry Heathorn, Samuel Magnus, John Tait, Abraham Hort, Henry Blundell, Joseph Blundell, Solomon Cohen, Israel Isaac, Abraham Harris Leopold Neumegeu, George Dixon Longstaff, and George Alfred Muskett, since deceased; div.

Date of Fiat.

- 1842, LAWRENCE Benjamin, of Crown-court, Old Broad-street, London, merchant, and carrying on business at Zante with George Henry Lawrence, of the same place, under the firm of Lawrence, Sons & Co.; div.
- 1817, MALE John, of Lanteglos by Camelford, Cornwall, miller; div.
- 1844, MILNER John, of Brook-street, New-road, Middlesex, engine manufacturer, lately carrying on business together with Frederick Braithwaite, of the same place, engine manufacturer, under the firm of Braithwaite, Milner & Co.; div.
- 1844, OXLEY Edward, the younger, of King's Lynn, Norfolk, hatter and dealer in clothes; div.
- 1843, PHILLIPS Stephen, of Brook-street, Hanover-square, Westminster, carpet warehouseman; div.
- 1842, THORPE William, of Thorne, Yorkshire, scrivener; first div.
- 1844, WOOD John Freeman, of Holywell-street, Oxford, surgeon and apothecary; div.

Gazette, Tuesday, October 22.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ASHMAN James, of the parish of St. Michael's, in the city of Bath, in the county of Somerset, innkeeper.—Official assignee, Kynaston.—Sol. Shattock, Bristol. Fiat, Oct. 10. Bankrupt's own petition.
- BROOME William, and William Hardy, of Oxford-street, in the county of Middlesex, drapers and copartners.—Official assignee, Groom.—Sols. Reed & Shaw, Friday-street, Fiat, Oct. 15. Pet. Crs. Henry Hooton, Charles White, John Lupton, and Edward Burdett, of Bread-street, warehousemen.
- BROOME William, of No. 158, Oxford-street, in the county of Middlesex, linen-draper, as a trader indebted jointly with William Hardy, of the same place, linen-draper, his copartner.—Official assignee, Groom.—Sols. Messrs. Sole, Aldermanbury. Fiat, Oct. 14. Pet. Crs. Alfred Luck, John Bouch, and Thomas Coath, of Bread-street, warehousemen.
- COOLEY Mary, of Spalding, in the county of Lincoln, tailor and draper.—Official assignee, Valpy.—Sols. Maples, Spalding, and Messrs. Simcox, Brothers, Birmingham. Fiat, Oct. 11. Pet. Cr. Daniel Vivash, of Spalding, pawnbroker.
- FLAHERTY Thomas, of the city of Bath, in the county of Somerset, tailor and draper.—Official assignee, Miller.—Sols. Whittington & Co. Bristol. Fiat, Oct. 11. Pet. Cr. Charles Wilkins, of Tiverton, cloth-manufacturer.
- TILL Charles, of Minster-street, Salisbury, in the county of Wilts, and of Andover, in the county of Southampton, linen-draper, *d. c.*—Official assignee, Turquand.—Sol. Jones, Sise-lane. Fiat, Oct. 11. Pet. Cr. John Clark, of Noble-street, clothes and stay manufacturer.
- WESTRUP Walter, and Thomas Martin Cooksedge, of New Crane, Shadwell, in the county of Middlesex, and of Northfleet, in the county of Kent, millers and ship-biscuit bakers, and copartners in trade.—Official assignee, Bell.—Sols. Shearman & Slater, Great Tower-street. Fiat, Oct. 21. Pet. Cr. Alfred Robinson, of Plaistow, flour-factor.
- WILLET Joseph, of Coggershall, in the county of Essex, leather-cutter and leather-seller.—Official assignee, Turquand.—Sol. Lott, Bow-lane. Fiat, Oct. 15. Pet. Crs. John Hackblock, William Hackblock, John Clark, and John Meek, of Willow-walk, Bermondsey, tanners.

CERTIFICATES to be allowed November 12.

- Bailey Henry Sharp, of Bingley, stuff-merchant.
- Tuckett Harvey Garnett Phipps, of the Poultry, merchant.
- Wallace Thomas, of Pentwyn Iron Works, grocer.
- Watson Adam, of Liverpool, ship-broker, (partner with George Mackenzie and Murdoch Mackenzie).

DIVIDENDS.

Date of Fiat.

- 1844, BANISTER Charles James, of Rotton-row, Derby, linen and woollen draper, late partner with one Robert Banister, late of Derby, linen and woollen draper; div.

Date of Fiat.

- 1844, BANISTER Robert, of Portsea, Hants, draper; div.
- 1824, BIRKS Ebenezer, of Sheffield, Yorkshire, grocer; second and final div.
- 1843, CASTON George, of Basingstoke, Hants, ironmonger; final div.
- 1842, CROOK Charles, of George-yard, Long-acre, Middlesex, livery-stable keeper; final div.
- 1841, DUCKHAM William John, of No. 3, Little Love-lane, Wood-street, Cheapside, London, hosier, trading under the style and firm of W. Duckham & Co.; final div.
- 1842, FERNANDES Joze Luis, Nowell Luis Fernandes, and Joze Luis Fernandes, the younger, all of Wakefield, Yorkshire, trading together as corn millers, under the firm of J. L. Fernandes & Sons; fur. sep. div. of J. L. Fernandes.
- 1844, FRANCE William, of Wigan, Lancashire, grocer; first div.
- 1842, GODDARD Samuel Aspinwall, and Richard Hill, both of Birmingham, Warwickshire, merchants; div.
- 1842, GREGORY James, of Sheffield, Yorkshire, manufacturer of table-knives and razors; first and final div.
- 1844, LODGE Richard, of Thornhill, Yorkshire, innkeeper; first and final div.
- 1843, OLIVER John, and John York, both of Stony Stratford, Buckinghamshire, and which said John York is now residing at Brighton, Sussex, and Richard Harrison, of Wolverton, Buckinghamshire, carrying on the trade or business of coal and iron masters, at Tipton, Staffordshire, under the style or firm of the Horseley Coal and Iron Company; joint div.
- 1841, PARSON William, of Southampton, grocer; div.
- 1836, PULLEN Richard, of Selby, Yorkshire, flax-merchant; second and final div.
- 1842, SARJENT John Newton, of Nottingham, grocer and tea-dealer; div.
- 1842, SEDGLEY Samuel, of Dudley, Worcestershire, grocer; div.
- 1841, SHAW Harry Morgan, of Newport, in the Isle of Wight, Hants, jeweller; div.
- 1843, SMITH Edmund, of Sheffield, Yorkshire, innkeeper and victualler; second and final div.
- 1836, SMITH John, of Scailcliffe Mill, in Rochdale, Lancashire, corn miller; second and final div.
- 1844, STURTEVANT Richard Lawrence, of Church-street, Bethnal-green, Middlesex, soap-manufacturer; div.
- 1840, TEMPEST Abraham, of Clayton Heights, in Bradford, Yorkshire, worsted-spinner and manufacturer; second and final div.
- 1842, TODD Thomas, of Manchester, Lancashire, dealer in cotton and woollen goods; first div.
- 1842, WILLOCK Matthew, of Huddersfield, Yorkshire, merchant; second and final div.
- 1842, YOUNG William, of the Milford Nursery, near Godalming, Surrey, nurseryman and seedsman, and surviving partner of George Penny, deceased; div.

Gazette, Friday, October 25.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CARTER James Watson, of No. 120, Long-acre, in the county of Middlesex, coach-plater and ironmonger, *d. c.*—Official assignee, Johnson.—Sols. Beaumont & Thompson, Lincoln's Inn-fields. Fiat, Oct. 24. Pet. Cr. James Parsons, of Long-acre, lace-manufacturer.
- FOWLER Alfred, of Leamington Priors, in the county of Warwick, carpenter and builder, *d. c.*—Official assignee, Bittleston.—Sols. Messrs. Russell, Leamington Priors. Fiat, Oct. 15. Pet. Cr. William Russell, of Leamington Priors, gent.
- GOULD John, of the parish of Congressbury, in the county of Somerset, cattle-salesman, *d. c.*—Official assignee, Acraman.—Sols. A'Beckett & Co. Golden-square. Fiat, Oct. 15. Pet. Cr. John Say, of Winscombe, Somersetshire, yeoman.

JONES Benjamin, of Birmingham, in the county of Warwick, victualler, *d. c.*—Official assignee, Bittleston.—Sols. Chilton & Co. Chancery-lane, and Suckling, Birmingham. Fiat, Oct. 23. Pet. Cr. John Smallbrook, of Yardley, maltster.

SIMPSON Joseph, late of Paradise Farm, Stockwell, in the county of Surrey, builder.—Official assignee, Alsager.—Sol. Alexander, South-street, Finsbury. Fiat, Oct. 10. Pet. Cr. William Buckwell, of Borough-road, building material merchant.

WALKER William, of Birmingham, in the county of Warwick, hatter, *d. c.*—Official assignee, Valpy.—Sols. Jackson, Field-court, Gray's Inn, and Harrison & Smith, Birmingham. Fiat, Oct. 21. Pet. Cr. James Marks, of Birmingham, cap-manufacturer.

WESTRUP Walter, and Thomas Martin Cooksedge, of New Crane, Shadwell, in the county of Middlesex, and of Northfleet, in the county of Kent, millers and ship-biscuit bakers and copartners in trade.—Official assignee, Bell.—Sols. Shearman & Slater, Great Tower-street. Fiat, Oct. 21. Pet. Cr. Alfred Robinson, of Plaistow, flour-factor.

CERTIFICATES to be allowed November 15.

Baker William, of Lower Grosvenor-street, surgeon.
 Barnard Jacob, of Cheltenham, clothes-dealer.
 Edwards Robert, of Aberdovey, draper.
 Grantham George, of Manchester, grocer.
 Howden Joseph, of Wakefield, iron-founder.
 Lake Henry, of Cheltenham, printer.
 Tidesley Matthew, of Wolverhampton, timber-dealer.
 Weir William, of Carlisle, iron-merchant.

DIVIDENDS.

Date of Fiat.

1843, BLAZDELL Alexander, of No. 34, Upper Charlotte-street, Fitzroy-square, Middlesex, harp-maker; div.

1844, BROOKS William Alexander, of Newcastle-upon-Tyne, quarryman; div.

1843, BURTON Richard, of No. 27, Wood-street, Cheapside, London, silk-warehouseman; div.

1816, CECIL John, Thomas Dennison, James Benson, and Michael Dennison, of Liverpool, Lancashire, merchants, carrying on trade in Liverpool, under the firm of Cecil, Dennison & Co.; div.

1837, DAKEYNE Daniel, and Thomas Wanklyn, of Manchester, Lancashire, and of Gradbatch, Staffordshire, flax-spinners, carrying on business under the firm of Daniell Dakeyne & Co.; sep. div. of Dakeyne.

1843, DENVER William, and William Nixey, of Liverpool, Lancashire, woollen-draper; joint div.

1842, DOD Charles, and Henry Bent, of Riches-court, Lime-street, London, ship-brokers; final div.

1841, FIELD James, and William Field, of Mincing-lane, London, wine and spirit brokers; final div.

1844, FORSTER James Gilson, of Aldgate High-street, London, tailor; div.

1843, GOLDSBURY Edmund, of Hastings, Sussex, draper; div.

1842, GOODING William, of High-street, Chatham, Kent, boot and shoe maker; final div.

1843, HIPKINS Edward, of Egremont, Cheshire, coal-dealer, and of Liverpool, Lancashire, commission-agent; div.

1843, HUDSON James, and James Broadbent, the younger, both of Gale, near Littleborough, and of Manchester, Lancashire, calico-printers, and now or late in trade under the firm of James Hudson & Co.; first joint div., and first and final sep. div. of each.

1842, LANCASTER Thomas Jacob, of Barge-yard, Bucklersbury, London, merchant; final div.

1841, MAKINS Robert Jesse, of Blandford-street, Manchester-square, Middlesex, grocer, oilman, and wine-merchant; final div.

1844, MILNER John, of Brook-street, New-road, Middlesex, engine manufacturer, lately carrying on business with Frederick Braithwaite, late of the same place, engine-manufacturer, under the firm of Braithwaite, Milner & Co.; div.

1841, RIMMER Richard, of Liverpool, Lancashire, tailor and draper; div.

Date of Fiat.

1842, SLY Stephen, of Bouverie-street, Fleet-street, London, and of Cornwall-road, Lambeth, Surrey, engraver and colour-printer; div.

1843, SOTHERN Robert Dempsey, of St. Helen's, Lancashire, dyer; fur. div.

1844, TEESDALE Christopher, and Richard Toulson, lately carrying on business as furnishing warehousemen in the Westminster-bridge-road, Surrey; sep. div. of Teesdale.

1841, WIGHTMAN George, of Paternoster-row, London, bookseller; final div.

Gazette, Tuesday, October 29.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

HARLING John, of Gisburn, farmer.

TOWN AND COUNTRY FIATS.

BENSON Thomas, of No. 12, North-place, Gray's Inn-road, and of No. 108, Gray's Inn-lane, both in the county of Middlesex, stationer and account-book maker, *d. c.*—Official assignee, Graham.—Sols. Badham & Houghton, Gray's Inn. Fiat, Oct. 24. Bankrupt's own petition.

ELLIOTT Ralph, of Durham, in the county of Durham, draper, *d. c.*—Official assignee, Graham.—Sol. Ashurst, Cheapside. Fiat, Oct. 14. Pet. Crs. William White and Smith Greenwell, of Cheapside, warehousemen.

FRENCH Peter, of Worthing, in the county of Sussex, carpenter and straw-bonnet maker.—Official assignee, Johnson.—Sols. Hicks & Marris, Gray's Inn. Fiat, Oct. 24. Bankrupt's own petition.

JOHNSON John, of Liverpool, in the county of Lancaster, merchant.—Official assignee, Cazenove.—Sols. Laces & Co. Liverpool, and Sharpe & Co. Bedford-row. Fiat, Oct. 24. Bankrupt's own petition.

MARTIN Morris, of Park-street, in the parish of St. Augustine, in the city of Bristol, upholsterer and cabinet-maker, *d. c.*—Official assignee, Miller.—Sols. Gillard & Flook, Bristol. Fiat, Oct. 25. Pet. Crs. Charles Bowles Hare, John Hare, and Sholto Vere Hare, of Bristol, floor-cloth manufacturers.

MITCHELL James, of Montague-street, Montague-square, in the county of Middlesex, livery-stable-keeper, *d. c.*—Official assignee, Turquand.—Sol. Melton, Warwick-court, Gray's Inn. Fiat, Oct. 16. Pet. Crs. William Byers and Sarah Taylor Watson, of Snow-hill, warehousemen.

MORGAN Rowland, of No. 13, Ampton-street, Gray's Inn-road, in the county of Middlesex, carpenter, *d. c.*—Official assignee, Bell.—Sols. Allen & Nicoll, Queen-street, Cheapside.

OWEN Barnard Benjamin, and Bernard George Owen, both of Pall-mall, in the county of Middlesex, tailors, *d. c.*—Official assignee, Turquand.—Sols. Edwards & Peake, New Palace-yard. Fiat, Oct. 24. Bankrupt's own petition.

PRETTY Thomas, of Bilston, in the county of Stafford, grocer, druggist, and ironmonger, *d. c.*—Official assignee, Whitmore.—Sol. William, Bilston. Fiat, Oct. 18. Pet. Crs. William Jones, and John Foeter, of Bilston, bankers.

ROSS Joseph Clark, of No. 2, Savage-gardens, in the city of London, merchant.—Official assignee, Bell.—Sols. Miller & Carr, Eastcheap. Fiat, Oct. 23. Pet. Cr. Thomas William Wing, of Eastcheap, grocer.

CERTIFICATES to be allowed November 19.

Andrew John, of Ramsey, banker.

Bass John, of Brecon, draper.

France William, of Wigan, grocer.

Harris Robert, of Liverpool, hotel-keeper.

Hetherington Robert, of Cross Canonby, farmer.

DIVIDENDS.

Date of Fiat.

1842, BAILEY Edward, of Mount-street, Grosvenor-square, Middlesex, upholsterer and cabinet-maker; div.

1843, BRADWELL Joseph, of York, ironmonger and iron-founder; first div.

ate of Fiat.

- 26, **CARTLEDGE** James, of Brow-bridge, in Halifax, Yorkshire, merchant and cotton-spinner, trading under the firm of Cartledge & Son; final div.
- 32, **CHAFFEY** Richard, of Thorncombe, Devonshire, clothier; div.
- 839, **ELLIS** Amos, of Mexbrough, Yorkshire, grocer; first and final div.
- 942, **EMERSON** Edward, of Water-street, in Manchester, thread and tape manufacturer; final div.
- 944, **ELSE** Joseph, and William Dixon, of Kingston-upon-Hull, corn-millers and bakers, carrying on trade or business under the style or firm of Joseph Else & Co.; first joint div., and first sep. div. of Else.
- 828, **FISHER** Jabex Henry, of Exeter, carver and gilder; div.
- 844, **FORTH** Jacob, of South Parade, Nottingham, hatter; div.
- 844, **GREGORY** Thomas, of Poulshott Mill, in Poulshott, Wiltshire, miller; div.
- 840, **MAINWARING** Richard, of Coltham Furnaces, in Willenhall, Staffordshire, coal and iron master; final div.
- 844, **MOWBRAY** William, of Wheathampstead, Hertfordshire, butcher; div.
- 831, **RISDON** John, of Exeter, bookseller; div.
- 838, **SECCOMBE** Gregory, and Samuel Seccombe, of Tavistock, Devonshire, and of Bude, Cornwall, tailors, drapers, and mercers; fur. div.
- 828, **TAYLOR** John, now or late of Lydeard St. Lawrence, Somersetshire, d. c.; div.
- 844, **TURNER** Thomas, of Sheffield, Yorkshire, grocer; first div.
- 841, **WARD** James, of Upper Ground-street, in Christchurch, Surrey, iron-founder, trading with Major Abinger and William Handesdyde, as iron-founders, in Upper Ground-street aforesaid; div.
- 842, **WATSON** James, the elder, and James Watson, the younger, both of Wath-upon-Dearne, Yorkshire, common brewers; div.
- 839, **WELLS** George Stansfield, of Ripponden Mill, in Soyland, parish of Halifax, Yorkshire, cotton-spinner and manufacturer; final div.
- 843, **WILLIAMS** Thomas, and Edward Williams, both of Church-street, Liverpool, Lancashire, linen-draper and silk-mercera; sep. divs. and joint div.

Gazette, Friday, November 1.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- RIDDICK** William Barrett, of the city of Durham, in the county of Durham, dealer in iron and steel, trading under the style or firm of Briddick & Company.—Official assignee, Wakley.—Sols. Hartley, Southampton-street, and Brignal, Durham. Fiat, Oct. 22. Pet. Crs. William Brown John Abbott and John George Abbott, of Gateshead, iron-merchants, and iron and brass founders.
- ROOKE** William, formerly of Mincing-lane, in the city of London, coffee-dealer and broker, and late of Snow-hill, in the said city, ale-house keeper, beer-house keeper, and coffee-shop keeper, d. c.—Official assignee, Turquand.—Sols. Wood & Blake, Falcon-street. Fiat, Oct. 22. Pet. Crs. James and Thomas Ward, of Jewin-street, builders.
- HANDLER** William, of No. 95, Minories, in the city of London, chemist and retailer of drugs, druggist, d. c.—Official assignee, Turquand.—Sols. Shearman & Slater, Great Tower-street. Fiat, Oct. 30. Pet. Cr. Thomas Grover, of Gloucester-buildings, Walworth, gent.
- OLDSWORTHY** Thomas, late of No. 75, Old Broad-street, in the city of London, and now of Clifton Villas, Maida-vale, in the county of Middlesex, merchant, d. c.—Official assignee, Graham.—Sols. Lawrance & Co. Bucklersbury. Fiat, Oct. 29. Pet. Cr. Michael Myers, of South-place, Kennington-common, gent.
- WEN** Robert, of Manchester, in the county of Lancaster, provision dealer, d. c.—Official assignee, Pott.—Sols. Gregory & Co. Bedford-row, and Cooper, Manchester. Fiat, Oct. 25. Pet. Crs. Robert Entwistle and Thomas Labrey, of Manchester, tea and provision dealers.

PITT Charles, of Stratton-street, in the parish of St. Paul, and city of Bristol, licensed victualler.—Official assignee, Hutton.—Sol. Watts, Bristol. Fiat, Oct. 17. Bankrupt's own petition.

ROBERTSON Alexander, and Lewis Henry Folger, of High-street, Shoreditch, in the county of Middlesex, cabinet-makers, upholsterers, d. c. and copartners.—Official assignee, Johnson.—Sols. Messrs. Harrison, Walbrook. Fiat, Oct. 30. Pet. Crs. John Penn Bradley and George James Bradley, of Great St. Helen's, wine-merchants.

CERTIFICATES to be allowed November 22.

Ashley Thomas, of Lyonshall, builder.
Dixon Henry Jecks, of Kidderminster and Aldermanbury, carpet-manufacturers.
Griffiths Thomas, of Stoke-upon-Trent, tailor.
Holroyd John, of North Moor, farmer.
Todd John, jun., of Bury-street, Bloomsbury, ironmonger, (partner with John Todd, sen.)
Williams Rees, of Bristol, butter-dealer.

DIVIDENDS.

Date of Fiat.

- 1842, **APPLEYARD** Samuel, of Manchester, Lancashire, stuff-merchants and warehousemen, trading under the style or firm of Samuel Appleyard & Co.; final div.
- 1844, **BROWN** William, of Rickmansworth, Hertfordshire, auctioneer and surveyor, timber, coal, and slate merchant, builder, and general dealer; div.
- 1843, **BUNKER** James Eber, of No. 47, Lower Shadwell, Middlesex, merchant; final div.
- 1842, **CRAMBROOK** James, of Deal, Kent, draper; div.
- 1844, **CROSS** Richard, of No. 24, Jermyn-street, St. James's, Westminster, saddler and harness-maker, and now a prisoner in the Queen's prison, Surrey; div.
- 1842, **CROSSFIELD** Abraham, of No. 91, Whitechapel-road, St. Mary, Whitechapel, Middlesex, and also of Highland's Farm, hamlet of Comp, in Leyburn, Kent, scrivener and hop-planter; fur. div.
- 1844, **DRAY** William Edward, of Heathfield, Sussex, grocer and draper; div.
- 1840, **GREEN** James, of Great Winchester-street, London, merchant; fur. div.
- 1839, **GROOMBRIDGE** John, of the King John's Head, Abbey-street, Bermondsey, Surrey, licensed victualler; div.
- 1842, **HARLEY** Joseph, of Woburn, Bedfordshire, plumber, glazier, and innkeeper; div.
- 1843, **JONES** Joseph, of Stafford, bookseller, stationer, and printer; final div.
- 1844, **PARKER** John, of Kingston-upon-Hull, corn-miller; div.
- 1844, **PERRY** John, of No. 88, Coventry-road, late of Lower Fazley-street, both in Birmingham, maltster, retail brewer, and attorney's writing clerk; div.
- 1842, **SHARMAN** Frederick, of Barge-yard, Bucklersbury, London, shoe-factor; div.
- 1844, **SOUTHEY** Simon, of South-street, Finsbury-market, and of No. 12, Kingsland-road, both in Middlesex, cabinet-furniture manufacturer; div.
- 1843, **SPORER** Joseph Francis, of St. James's-street, Piccadilly, Middlesex, tailor, formerly partner with John Miley, deceased; fur. joint div., and sep. div. of bankrupt.
- 1842, **THOMAS** George Davenport, of Wem, Salop, grocer and ironmonger; final div.
- 1844, **WEBB** William, of Leamington, Warwickshire, hotel-keeper; final div.
- 1842, **WELLDON** Samuel Eddestone, of Cambridge, butcher; div.

Gazette, Tuesday, November 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BRAGG Henry, of Montague-close, in the borough of Southwark, in the county of Surrey, bottle-merchant, in copartnership with John Wyberd, of the same place, bottle-merchant, trading under the firm of Henry Bragg & Co.—Official assignee, Graham.—Sol. Ashley, Shoreditch. Fiat, Oct. 31. Bankrupt's own petition.

CLARK John, of Brunswick Cottage, City-road, in the county of Middlesex, carman.—Official assignee, Green.—Sol. Tucker, Sun-street Chambers. Fiat, Nov. 4. Pet. Cr. James Frederick Barwick, of Old-street, wheelwright.

CLEAVER Joseph, the younger, of the city of Coventry, victualler, *d. c.*—Official assignee, Valpy.—Sols. Troughton & Lea, Coventry. Fiat, Oct. 17. Pet. Cr. Thomas Townsend, of Coventry, maltster.

CROSFIELD Thomas, the elder, of Kirkham, in the county of Lancaster, linen-draper and spirit-merchant, *d. c.*—Official assignee, Fraser.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Fisher & Stone, Liverpool. Fiat, Nov. 1. Pet. Crs. Richard Cardwell Gardner, and James Sykes, of Liverpool, wine and spirit merchants.

EATON Richard, of No. 33, Featherstone-street, City-road, in the county of Middlesex, butcher.—Official assignee, Bell.—Sols. Taylor & Wickings, Finsbury-terrace, City-road. Fiat, Nov. 4. Pet. Cr. John Hudson, of Featherstone-street, patten-maker.

FITZHUGH William Henry, and Robert Edwards Walker, both of Liverpool, in the county of Lancaster, merchants and ship-brokers, lately trading there as copartners, under the style of Fitzhugh, Walker & Company.—Official assignee, Morgan.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, Nov. 1. Pet. Cr. John M'Arry, of Liverpool, joiner.

HOLBEIN Walter, late of No. 67, Upper Seymour-street, New-road, in the parish of St. Pancras, in the county of Middlesex, dealer in flour, *d. c.*—Official assignee, Turquand.—Buchanan & Co. Basinghall-street. Fiat, Oct. 31. Bankrupt's own petition.

JACOBS Mark Israel, of Ashton-under-Lyne, in the county of Lancaster, tailor and draper, *d. c.*—Official assignee, Stanway.—Sols. Reed & Shaw, Friday-street, and Sale & Worthington, Manchester. Fiat, Oct. 25. Pet. Crs. Jonathan Opershaw and William Opershaw, of Manchester, manufacturers.

PIM John Bedford, of Tweed's-court, Great Trinity-lane, in the city of London, stationer and rag-merchant.—Official assignee, Edwards.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Oct. 31. Bankrupt's own petition.

RUDGE George Bickerton, and Arthur Jeffery Rudge, of Gloucester-street, Curtain-road, in the county of Middlesex, japan leather manufacturers, and copartners, *d. c.*—Official assignee, Pollett.—Sols. Norton & Son, New-street buildings. Fiat, Nov. 1. Pet. Crs. Thomas and Henry Burton, of Aldersgate-street, builders.

STAPLES Jonas, lately and for twelve months past residing at Cottenham, in the county of Cambridge, plumber, painter, glazier, and paper-hanger, lodging in the house of Mr. William Hard, at Cottenham aforesaid.—Official assignee, Bell.—Sol. Johnson, Walcot-square. Fiat, Oct. 4. Bankrupt's own petition.

CERTIFICATES to be allowed November 26.

Brandon Joshua, of Walbrook-buildings, merchant (partner with Abraham Levy Bensusan).

Hodgson Richard, of Bishop Auckland, mercer.

Jackson Richard, of Leeds, engineer, (partner with Richard Yale).

Smith James, and Henry Titford, of King-street, Snow-hill, engravers.

Wyrtill William, of Bradford, ironmonger.

DIVIDENDS.

Date of Fiat.

1844, ALDERTON Charles, of North-street, Brighthelmstone, Sussex, tailor; div.

1844, ALLINSON Richard, of Whitehaven, Cumberland, iron-monger; div.

1843, BALL John, of No. 20, St. George's-place, Hyde-park-corner, Middlesex, tailor; div.

1844, BALLS Thomas, of Thames-street, London, iron-merchant; div.

1844, BRAND Thomas, of Stamford-street, Blackfriars, Surrey, livery-stable keeper; div.

1842, BROWN George, of Carlisle, Cumberland, draper; div.

1827, BROWN John Hore, of Duke-street, Manchester-square, Middlesex, chemist and druggist; div.

1842, BUCKTON John, of Darlington, Durham, grocer and spirit-merchant; final div.

1841, CADBURY James, of No. 24, New Bond-street, Middlesex, cheesemonger; div.

Date of Fiat.

1844, CARTER Thomas, the younger, of Waltham, Leicestershire, maltster and butcher; div.

1842, COCKBURN James, of New Broad-street, London, merchant, trading under the firm of James Cockburn & Co.; div.

1837, CURTIS Thomas, of Totton-street, Stepney, Middlesex, shipping butcher; final div.

1843, DUFFIELD Charles, of Bath, grocer; div.

1844, DUNPHY John, of the Bell Inn, Burford, Oxfordshire, victualler; div.

1844, FOSTER Edwin, of Snargate-street, Dover, Kent, tailor and trader; div.

1843, HAMMOND George, the elder, of Havant, Southampton, common brewer; div.

1822, HAYTON William, and Martin Douglas, of Sunderland near the Sea, Durham, coal-fitters; sep. div.

1842, HILTON Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; sep. div. of Hilton.

1843, HOAR John, of Oxford, ironmonger; div.

1826, HUTCHINSON George, John Hutchinson, Henry Hutchinson, and Thomas Place, of Stockton-upon-Tees, Durham, bankers; final joint div.

1841, LOUP James Hiram, and George Godber, of Cateaton-street, London, cotton-factors and warehousemen; joint div.

1843, MILLER Thomas, of Green-street, Leicester-square, Middlesex, baker; div.

1844, NEWTON Charles, and Charles Worsam, both of Kingsland-basin, Kingsland-road, Middlesex, engineers and millwrights; div.

1844, OGDEN Abraham, of Spotland, in Rochdale, Lancashire, sizer; first div.

1837, ORTON Horatio Lewis, of Box, Wiltshire, and Errington Paxton, of Long Ashton, Somersetshire, builders and contractors; final joint div.

1842, POPE Dominic, now or late of New York, America, and of Fenchurch-street, London, merchant and trader; div.

1843, REYNOLDS Thomas, the younger, of No. 32, Great St. Helens, Bishopsgate street, London, merchant; div.

1842, ROBERTS Edward, of Oswestry, Salop, draper and grocer; final div.

1841, ROSSELLI Pellegrino, of Lime-street, London, merchant; div.

1841, SAUNDERS John, James Fanner, and Thomas Hosier Saunders, of Basinghall-street, London, and of Bradford, Wiltshire, woollen-manufacturers; fur. joint div., and sep. div. of T. H. Saunders.

1826, SHARPE Clement, and William Dudd Clark, of Berners-street, St. Marylebone, Middlesex, upholsterers and cabinet-makers; div.

1844, SHORE John, of Rochdale, Lancashire, flannel-manufacturer; first div.

1817, SPENCE John, of Bishopwearmouth, Durham, *d. c.*; *See* *div.*
1844, TARVER James, of Daventry, Northamptonshire, iron-founder, ironmonger, and licensed victualler; div.

1842, THOMAS David, of Manchester, Lancashire, merchant, carrying on business under the firm of J. S. Jones, Nephew & Co. second div.

1842, THOMPSON Jonathan, of Oxford-street, Middlesex, and of Cheapside, London, dealer in paper-hangings; div.

1843, TRAPP Thomas, and Thomas Pierson Trapp, of No. 1, Church-street, St. Saviour, Southwark, Surrey, tallow-chandlers and melters; joint and sep. divs.

1842, WIGNEY Isaac Newton, and Clement Wigney, of Brighton, Sussex, bankers; joint and sep. divs.

Gazette, Friday, November 8.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

GOOCH Thomas, of Dalston-terrace West, and Whitechapel, timber-merchant.

WOOD Jacob, and William Norton, of Kirkheaton and elsewhere, fancy-cloth manufacturers.

TOWN AND COUNTRY FIATS.

BATE George, at present residing in Birmingham, in the county of Warwick, but late of Forton Hall Farm, in the parish of Forton, in the county of Stafford, horse-dealer, *d. c.*—Official assignee, Christie. Sol. Motteram, Birmingham. Fiat, Nov. 2. Bankrupt's own petition.

LYTHE Frederick Edmund, of Colchester, in the county of Essex, porter-merchant.—Official assignee, Turquand.—Sols. Ogle & Younghusband, Great Winchester-street. Fiat, Nov. 2. Pet. Cr. Isaac Beard, of Great Coggeshall, maltster and brewer.

BRIDICK Joseph, the younger, of the city of Durham, bookseller and stationer, *d. c.*—Official assignee, Baker.—Sols. Hodgson, Broad-street-buildings, and Maynard & Middleton, Durham. Fiat, Oct. 30. Pet. Crs. Thomas Brown, Bevis Ellerby Green, Thomas Longman, and William Longman, of Paternoster-row, booksellers.

BROOKS William, of No. 13, Gilbert-street, Grosvenor-square, in the county of Middlesex, grocer.—Official assignee, Johnson.—Sol. Comyn, Lincoln's Inn-fields. Fiat, Nov. 6. Pet. Cr. Charles Bergen Feeks, of Serle-street, Lincoln's Inn-fields, auctioneer.

DOOGOOD Henry John, of No. 3, Camden-terrace West, Camdentown, in the county of Middlesex, wine and porter merchant.—Official assignee, Follett.—Sol. Ross, Barnard's Inn. Fiat, Nov. 2. Bankrupt's own petition.

EBREY William, of Aldermanbury, in the city of London, silk-dresser and manufacturer, *d. c.*—Official assignee, Graham.—Sols. Jones, Sise-lane. Fiat, Oct. 31. Pet. Crs. William Smith, William Leaf, James Coles, Michael Brankston, and William Ladler Leaf, of Old Change, warehousemen.

GIBSON Henry Gould, late of Great St. Helen's, Bishopsgate-street, in the city of London, but now of Northaw, near Potter's Bar, in the county of Hertford, wine-merchant.—Official assignee, Bell.—Sol. Hughes, Bedford-street, Covent-garden. Fiat, Nov. 5. Pet. Cr. George Pork, of Bedford-street, Covent-garden, banker.

HUBBARD John, of High-street, Ramsgate, in the county of Kent, auctioneer and upholsterer, *d. c.*—Official assignee, Groom.—Sol. Dyte, Hare-court, Temple. Fiat, Nov. 6. Bankrupt's own petition.

MAKEPEACE Samuel, of Mitcham, in the county of Surrey, silk, cotton, and woollen printer, *d. c.*—Official assignee, Graham.—Sols. Reed & Shaw, Friday-street. Fiat, Oct. 4. Pet. Crs. Edward Eyles, Charles Evans, James Cleeckets Hands, and Robert Wells, of Ludgate-hill, warehousemen.

MAYNARD James, of Pantion-street, Haymarket, in the county of Middlesex, bookseller, *d. c.*—Official assignee, Johnson.—Sol. Bennett, Queen-square. Fiat, Oct. 31. Pet. Cr. Thomas Hodgson, of Fleet-street, bookseller.

MEGRUM John, of No. 1, Robert-street, North Brixton, in the county of Surrey, carpenter and builder, *d. c.*—Official assignee, Edwards.—Sol. Smith, Basinghall-street. Fiat, Nov. 6. Bankrupt's own petition.

MAYER John, of Bridge-road, Lambeth, in the county of Surrey, tailor and outfitter, *d. c.*—Official assignee, Whitmore.—Sol. Jones, Sise-lane. Fiat, Nov. 2. Pet. Crs. Groom Howes, William Cook, sen. and jun., Francis Cook, William Hocken, and Francis Cook, of St. Paul's-churchyard, warehousemen.

MOW John, of Torrington, in the county of Devon, chemist and druggist, *d. c.*—Official assignee, Hernaman.—Sols. Rowse, Great Torrington, Holme & Co. New Inn, and Turner, Exeter. Fiat, Oct. 31. Bankrupt's own petition.

WIFT Thomas, of Rotherfield-street, in the parish of Islington, in the county of Middlesex, and Joseph Alfred Hensman, of Margate, in the county of Kent, both formerly of Cophall-court, Throgmorton-street, in the city of London, bill-brokers, *d. c.*—Official assignee, Green.—Sols. Weir & Smith, Coopers'-hall. Fiat, Nov. 7. Bankrupt's own petition.

WABBERNER John Loude, of Birmingham, in the county of Warwick, auctioneer, corn-factor, *d. c.* lately carrying on business as a corn-factor, in partnership with Thomas Tabberner.—Official assignee, Whitmore.—Sol. Slaney, Birmingham. Fiat, Oct. 31. Bankrupt's own petition.

CERTIFICATES to be allowed November 29.

ashwin William, of Birmingham, steel pen-maker.
edford James, of Melina-place, Westminster-road.
eesley Richard, of Wells-street, wine-cooper.
ollinson Henry Weir, of Stamford-street, hat-maker.
ixon William, of Hull, corn-miller.
ray William Edward, of Heathfield, grocer.
lse Joseph, of Hull, corn-miller.
larvey Thomas, of Wandsworth, innkeeper.
unter Benjamin Harrison, of Liverpool, merchant.

Jenkins John, of Crown-place, Old Kent-road, currier.
Lett Arthur, of Lett's Wharf, Commercial-road, timber-merchant.
Marks Richard, of Union-street, Southwark, and Liquorpond-street, victualler.

Parsons William, of Upper Eaton-street, and Halfmoon-street, starch-manufacturer.

Southey Simon, of South-street, Finsbury-market, and Kingsland-road, cabinet-manufacturer.

Walker Edward, of Newman-street, auctioneer.

Whitmarsh Thomas Henry, of Blackheath, hotel-keeper.

DIVIDENDS.

Date of Fiat.

1832, ALCOCK John, and William Wilson, of Jermyn-street, St. James's, Middlesex, tailors; sep. div. of Wilson.

1844, ANDREW Thomas Bentley, of Ashton-under-Lyne, Lancashire, tea-dealer; div.

1844, BAIL Jonathan, of Salisbury, Wiltshire, cabinet-maker and upholsterer; div.

1840, BANKS Joseph, of Liverpool, Lancashire, tallow-chandler; div.

1844, BRADSHAW James, (trading under the style or firm of Bradshaw, Brothers) of No. 3, Marylebone-street, Piccadilly, Middlesex, woollen-draper; div.

1844, BREWER Thomas, of Liverpool, Lancashire, flag-dealer and pavior; div.

1800, BUDDICOM Robert Joseph, of Liverpool, Lancashire, merchant; div.

1842, CANNING Horatio Joseph, of Wood-street, Cheapside, London, Scotch warehouseman; fur. div.

1842, COTTAM George, and William Osborn the younger, both of Leeds, Yorkshire, wine and spirit merchants; final joint and sep. divs.

1844, DAVIES John, and Richard Davies, of Nos. 70 and 71, Chiswell-street, St. Luke's, Middlesex, linen-draper; divs.

1816, FAIRCLOUGH William, and Edward Swainson, of Liverpool, Lancashire, merchants; div.

1826, GARNETT John, of Liverpool, Lancashire, merchant; fur. div.

1844, HALL Henry, of Smalesmouth, in Greystead, Northumberland, cattle-dealer; first and final div.

1844, HARDING William, of Southampton-street, Camberwell, Surrey, grocer; div.

1843, HARFORD John, and William Weaver Davies, of Bristol, and of Ebbw Vale, and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., and Ebbw Vale and Sirhowy Iron Company, and Harford and Iron Foundry Company; joint div.

1844, LEAVER Thomas, late of Great Coxwell, Berkshire, baker and flour-dealer; div.

1843, MOTT William, of No. 278, Regent-street, Piccadilly, Middlesex, laceman; fur. div.

1802, PRESTON Robert, of Liverpool, merchant; div.

1833, ROBERTS Robert Gordon, of Liverpool, Lancashire, timber-merchant, formerly carrying on business with Robert Rawlinson, of Liverpool, deceased, under the firm of Rawlinson & Roberts, and more lately carrying on business in Liverpool with Thomas Pearson, of Liverpool, timber-merchant, under the firm of Thomas Pearson & Co.; final div.

1844, ROSS Daniel, of No. 1, Little Love-lane, London, warehouseman and agent, trading under the firm of Ross & Co.; div.

1843, SEARY Maurice, of Swndwr, near Northop, Flintshire, maltster; div.

1844, TUCKER John, late of Sutton-street, Commercial-road East, Middlesex, ship-owner, but now a prisoner in the Queen's prison; div.

Gazette, Tuesday, November 12.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

WILDE John Thomas, and William Wilde, of Basing-lane, general merchants.

TOWN AND COUNTRY FIATS.

BATES James Davis, late of No. 2, Lower Chapman-street, St. George's in the East, in the county of Middlesex, ginger-beer, soda-water, and blacking-manufacturer, *d. c.* lately carrying on business

with William John Hayling and Charles Storchling, under the firm of Hayden & Co.—Official assignee, Turquand.—Sol. Taylor, North-buildings, Finsbury. Fiat, Nov. 7. Bankrupt's own petition.

BURROWS Joseph Seret, of Wimbledon, in the county of Surrey, coal-merchant.—Official assignee, Graham.—Sol. Ogle, Great Winchester-street. Fiat, Nov. 6. Pet. Cr. Michael Ogdon, of Wimbledon, butcher.

COX John, of the city of Norwich, cabinet-maker and upholsterer.—Official assignee, Follett.—Sols. Wood & Blake, Falcon-street, and Durrant, Norwich. Fiat, Nov. 5. Pet. Cr. Joshua Edward Solomon, of Norwich, cabinet-maker.

HOGGINS Albany, of No. 5, Lime-street-square, in the city of London, and of Grosvenor-place, Camberwell, in the county of Surrey, but now of Apollo-buildings, Walworth, in the same county, and now or lately trading in copartnership with John Masson, at No. 5, Lime-street-square aforesaid, under the style or firm of Massons & Hoggins, as merchants, commercial-agents, and ship and insurance brokers, as a trader indebted with the said John Masson.—Official assignee, Groom.—Sol. Hutchison, Crown-court, Threadneedle-street. Fiat, Oct. 29. Pet. Cr. Richard Turner, of Wapping, cooper.

JONES James, of No. 69, Berners-street, Oxford-street, in the county of Middlesex, apothecary, d. c.—Official assignee, Follett.—Sol. Hand, Chancery-lane. Fiat, Nov. 11. Bankrupt's own petition.

KINSEY Evan, of Newtown, in the county of Montgomery, innkeeper and maltster.—Official assignee, Cazenove.—Sol. Sargeant, Norfolk-street, Strand, Hughes, Llanidloes, and Evans, Liverpool. Fiat, Nov. 7. Pet. Cr. Thomas Pugh, of Newtown, Montgomeryshire, yeoman.

OLIVER Herbert, and Henry Hastings, of Cheltenham, in the county of Gloucester, butchers, copartners, d. c.—Official assignee, Kynaston.—Sol. Packwood, Cheltenham. Fiat, Nov. 1. Pet. Cr. George Bartley, of Cheltenham, cattle-dealer.

SAWYER William, late of William-street, St. George's in the East, in the county of Middlesex, oilman, now of No. 9, Louisa-street, Stepney, in the county of Middlesex, out of business.—Official assignee, Green.—Sol. Morel, West-square, Southwark. Fiat, Nov. 4. Bankrupt's own petition.

VAILE Joseph, of Cheltenham, in the county of Gloucester, wine and spirit merchant, d. c.—Official assignee, Kynaston.—Sols. Bubb & Co. Cheltenham, and Bevan & Co. Bristol. Fiat, Nov. 6. Pet. Cr. William Ridler, of Cheltenham, manager of the Cheltenham and Gloucestershire Bank.

VAUGHAN Griffith, of the parish of Llanedy, in the county of Carmarthen, innkeeper.—Official assignee, Hutton.—Sols. Jeffreys, Swansea, and Haberfield, Britol. Fiat, Oct. 31. Pet. Cr. John Robert, of Llandilotalybout, Glamorganshire, farmer.

CERTIFICATES to be allowed December 3.

Clough William Copperthwaite, of Eye, apothecary.
Crowder Robert, of West Auckland, iron-founder.
Kitchen John, of Stockport, corn and flour factor.
Lloyd Richard, of Liverpool, victualler.
Payne William, of Newcastle-upon-Tyne, builder.
Trutch William, of Barkham-terrace, Southwark, china-clay merchant and tanner.
White John Charles, of Bath, music-seller, (partner with George Horwood White).

DIVIDENDS.

Date of Fiat.

1843, ALFORD Thomas, of No. 26, Harrow-road, Paddington, Middlesex, licensed victualler; div.

1840, ATKINSON Matthew, of Temple Sowerby, Westmorland, and Jonathan Laidman, the elder, of Penrith, Cumberland, bankers; final sep. div. of Atkinson, and final sep. div. of Atkinson under the firm of Craig & Co.

1842, BELL Isaac, of Newcastle-upon-Tyne, earthenware manufacturer, and John Davison, of Marton, north riding of Yorkshire, farmer, and of Middlesbrough, said riding, earthenware-manufacturer, and both trading at Newcastle-upon-Tyne, as earthenware-manufacturers; final sep. div.

1811, CAY Christopher John, of Bishopwearmouth, Durham, coal-filer; final div.

1843, CONDEN Edward, of Milton-street, and Edward-street, Dorset-square, Middlesex, builder; div.

Date of Fiat.

1842, COURTNEY John, of Bristol, banker, (late partner with Jacob Ricketts and George Thorne, of the said city, bankers; div.

1844, CURRIE Robert, of Newcastle-upon-Tyne, bookseller and stationer; div.

1842, GALE James, the elder, and James Gale, the younger, of Love-lane, Shadwell, Middlesex, rope-makers, paint and colour manufacturers, trading under the firm of James Gale & Son; div.

1842, HADDOCK John, of Warrington, Lancashire, bookseller; final div.

1842, HESLEWOOD William, Robert Heslewood, and John Skir, of Kingston-upon-Hull, and of Red Lion Wharf, in or near Thames-street, London, white-lead manufacturers, oil and colour merchants; final div.

1844, MUSGROVE Richard, of High-street, Birmingham, Warwickshire, woollen-draper; div.

1842, OLIVER Walter, of Maidstone, Kent, upholsterer; div.

1840, PERKINS William, of St. Wollos, Monmouthshire, ship-builder; div.

1843, POW James Brough, of Newcastle-upon-Tyne, ship and insurance-broker; final div.

1840, PRICE Sidney, of Blackburn, Lancashire, machine-maker, carrying on business at Blackburn, as surviving partner of Abel Davison, under the firm of Davison & Price; fur. div.

1839, TRIVETT Francis Thomas, of Northumberland-place, Commercial-road East, Middlesex, draper; div.

1842, WICKS Jacob, of Trowbridge, Wiltshire, and of Hawkeridge, in Westbury, same county, clothier; div.

1844, WILLIAMSON Caleb, of No. 17, Regent-street, St. James's, Westminster, hosier and glover; div.

1843, YOUNGHUSBAND Robert, late of Hewlett-street, and Nantton, in Cheltenham, Gloucestershire, esq., brick-maker; div.

Gazette, Friday, November 15.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ARGENT Isaac, of No. 15, Fleet-street, in the city of London, victualler.—Official assignee, Johnson.—Sol. Cooke, King-street, Cheapside. Fiat, Nov. 14. Bankrupt's own petition.

BARRY Robert, of the Royal Baths, Worthing, in the county of Sussex, lodging-house keeper.—Official assignee, Johnson.—Sols. Hillier & Co. Gray's Inn, and Messrs. Tribe & Son, Woking, Fiat, Nov. 5. Pet. Cr. George Heather Smith, of Worthing, shop-keeper.

BARWICK James Frederick, of Old-street, in the parish of St. Luke's, in the county of Middlesex, wheelwright.—Official assignee, Graham.—Sols. Messrs. Lawrance, Old Fish-street. Fiat, Nov. 12. Pet. Cr. Isaac Loader, of Crown and Horseshoe Wharf, Upper Thames-street, timber-merchant.

BOULTER Thomas, of Tucker's Hotel, Cromer, in the county of Norfolk, innkeeper.—Official assignee, Edwards.—Sols. Brookbank & Farn, Gray's Inn, and Stoll, Norwich. Fiat, Nov. 1. Pet. Cr. Richard Coaks, of Norwich, timber-merchant.

BOURNE John George, of Battersea, in the county of Surrey, builder, d. c.—Official assignee, Green.—Sols. Paine & Hatherly, Great Marlborough-street. Fiat, Oct. 23. Pet. Cr. Edward Pais, of Battersea, gent.

COLLINSON William, of East Butterwick, in the county of Lincoln, shipwright and carpenter, d. c.—Official assignee, Freeman.—Sols. Howlett, Kirtton in Lindsey, and Payne & Co. Leeds. Fiat, Nov. 3. Pet. Cr. John Benson, of Gainsburgh, yeoman.

COLVILLE John, and Hugh Colville, both of Liverpool, in the county of Lancaster, merchants and copartners, d. c., trading under the firm of Colville, Brothers & Company.—Official assignee, Morgan.—Sols. Vincent & Sherwood, Temple, and Littleton & Bardwell, Liverpool. Fiat, Nov. 8. Bankrupts' own petition.

COTTRILL Edwin, of Redditch, in the county of Worcester, linen-draper, d. c.—Official assignee, Valpy.—Sols. Jones, Sine-lane, and Motteram, Birmingham. Fiat, Nov. 1. Pet. Crs. William Leed, James Coles, William Smith, Michael Brankston, and William Sadler Leaf, of Old Change, warehousemen.

DAVIDSON Gordon Forbes, formerly of Singapore, in the East Indies, merchant, carrying on business there under the firm of Davidson & Co., and late of Hong Kong, in China, merchant, but at present residing at John-street, in the Adelphi, in the county of Middlesex.—Official assignee, Graham.—Sols. Oliverson & Co. Old Jewry. Fiat, Nov. 13. Bankrupt's own petition.

DORE William Luke, of the King's Head Inn, Egham, in the county of Surrey, innkeeper, *d. c.*—Official assignee, Green.—Sols. Oliverson & Co. Frederick's-place, Old Jewry. Fiat, Nov. 14. Bankrupt's own petition.

DOWDING Thomas, of the town of Chippenham, in the county of Wilts. brewer.—Official assignee, Acraman.—Sol. Leman, Bristol. Fiat, Nov. 7. Pet. Crs. John and Edward Cole, of Bristol, provision merchants.

HIGGINS William, and Thomas Higgins, of Old Bond-street, in the county of Middlesex, hosiers and glovers, *d. c.* and copartners, carrying on business under the style or firm of Higgins & Sons.—Official assignee, Bell.—Sols. Thomas & Co. Cloak-lane. Fiat, Nov. 9. Pet. Crs. Isaac, Joseph, and John Wilson, of Milk-street, hosiers.

JONES William, of Usk, in the county of Monmouth, linen-draper, *d. c.*—Official assignee, Hutton.—Sols. Messrs. Sole, Aldermanbury, and Haberfield. Bristol. Fiat, Nov. 9. Pet. Crs. Richard Lewellin, Christopher Truman, and William Hitchcock, of Wood-street, warehousemen.

NORWOOD William, of Kettering, in the county of Northampton, grocer, wine-merchant, *d. c.*—Official assignee, Alsager. Fiat, Nov. 13. Pet. Cr. Charles Goodman, of Northampton, auctioneer and tobaccoist.

PARRY Charles, of Cleaver-street, Kennington-road, in the parish of St. Mary Lambeth, in the county of Surrey, furniture-broker, appraiser, and valuer.—Official assignee, Bell.—Sol. Rosser, Dyer's buildings. Fiat, Nov. 12. Bankrupt's own petition.

POUL Caleb, of No. 120, Long-alley, Moorfields, in the county of Middlesex, grocer, cheesemonger, and butterman, *d. c.*—Official assignee, Edwards.—Sol. Taylor, North-buildings, Finsbury-circus. Fiat, Nov. 13. Bankrupt's own petition.

VATSON James, of the city of Carlisle, grocer, *d. c.*—Official assignee, Wakley.—Sols. Mounsey, Carlisle, and Gray, Staple Inn. Fiat, Oct. 31. Pet. Cr. Thomas Mounsey, of Carlisle, on behalf of the Carlisle City and District Banking Company.

CERTIFICATES to be allowed December 6.

rnatt Edward, of Oxford, baker.
 arrs Thomas, and Robert Barrs, of Worcester, tobacco-manufacturers.
 rown John, jun., of Bassalleg, iron-founder.
 atlow Robert, of Leeds, victualler.
 ockery Robert Thornton, of Dartford and Farringdon-market, market-gardener.
 aw Eliza Ann, of Moorgate-street, tavern-keeper.
 ettigrew Robert, jun., of Woolwich, tailor.
 agden David, and John Sugden, of Kirkburton and Huddersfield, fancy-cloth manufacturers.

DIVIDENDS.

ate of Fiat.
 12, **ALLEN** James Hodgkins, of Porth Cawl, in Newton Nottage, Glamorganshire, timber-merchant; div.
 41, **BROOME** William, of Oxford-street, Middlesex, linen-draper; final div.
 13, **DUNN** Richard, and Richard Dacre Dunn, trading at Wakefield, Yorkshire, together, as corn-factors and merchants, under the style or firm of Richard Dunn & Son; third joint div. and second sep. div. of R. Dunn.
 44, **EDWARDS** Edward, of No. 35, City-road, St. Luke, Middlesex, draper and hosier; div.
 34, **GOREN** James, of Orchard-street, Portman-square, Middlesex, coach-maker; div.
 14, **GROVE** George, of Wick and Abson, Gloucestershire, miller; div.
 11, **HALFORD** Richard, William Henry Baldock, and Osborn Snoutton, of Canterbury, bankers; joint div., and final sep. div. of Snoutton.
 13, **HARMAN** John, of the Meadowbank Brewery, Whitefriars, London, and of the Meadowbank Brewery, in or near Edinburgh, Scotland, and of Chester-square, Middlesex, common brewer; div.

12. BANKR. 1844.

Date of Fiat.

1809, **HAWKSLEY** John, of Arnold, Nottinghamshire, merchant; div.
 1836, **HILL** Thomas, of Uppingham, Rutlandshire, woolstapler; div.
 1844, **HOLMES** Edward, of No. 3, King-street, Cheapside, London, warehouseman; div.
 1840, **PRICE** Sidney, of Blackburn, Lancashire, machine-maker, carrying on business at Blackburn, as surviving partner of Abel Davison, deceased, under the firm of Davison & Price; fur. div.
 1842, **ROBERTSON** George, John Garrow, and John Alexander, of Liverpool, Lancashire, ship-chandlers and rope-manufacturers; joint div.
 1842, **STORM** David, of Cardiff, Glamorganshire, builder; div.
 1844, **TISOE** Henry, of Hertford, carpenter and builder; div.
 1834, **WARD** Oliver Delaney, otherwise Oliver De Lancy Ward, of Manchester, Lancashire, merchant; final div.
 1844, **WATSON** Thomas, of the Saracen's Head, Camomile-street, London, victualler; div.

Gazette, Tuesday, November 19.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

HALL John, and Samuel Vincent, of St. Mary Axe, wholesale tea and coffee dealers.

TOWN AND COUNTRY FIATS.

BONES Christopher, of the city of Bath, shoemaker, cordwainer, *d. c.*—Official assignee, Acraman.—Sols. Messrs. Mogg, Cholwell, near Bristol. Fiat, Nov. 5. Pet. Crs. Samborne Stuckley, Palmer Samborne, of Finsbury House, Somersetshire, esq., Henry Hodges Mogg, Mary Parish, Thomas Savage and Bartholomew Smith, copartners.

BROADBENT Joseph, of Kexby, in the county of Lincoln, wheelwright and carpenter, *d. c.*—Official assignee, Hope.—Sols. Rogerson, Lincoln's Inn-fields, Howlett, Kirtton in Lindsey, and Payne & Co. Leeds. Fiat, Nov. 6. Pet. Cr. Thomas Capes, of Blyborough, Lincolnshire, groom.

CASH Charles, of Whitechapel-road, Whitechapel, in the county of Middlesex, ironmonger.—Official assignee, Groom.—Sols. Capes & Stuart, Field-court, Gray's Inn, and Clark, Wolverhampton. Fiat, Nov. 9. Pet. Crs. Charles and Thomas Clark, of Wolverhampton, iron-founders.

COOPER Thomas, of No. 33, Aldgate High-street, in the city of London, coffee and eating-house keeper, and also of No. 33, Leadenhall-street, in the said city of London, clerk.—Official assignee, Follett.—Sol. Sprigge, Upper North-place, Gray's Inn-road. Fiat, Nov. 15. Bankrupt's own petition.

CRAVEN Joseph, of Holme Dye Works, in the parish of Wakefield, in the county of York, dyer, John Hardman, of Rochdale, Lancashire, solicitor, and George Craven the younger, of Rochdale aforesaid, maltster, lately carrying on business together in copartnership at Holme Dye Works aforesaid, as dyers and copartners in trade, *d. c.*, under the style or firm of Craven & Company.—Official assignee, Young.—Sols. Gregory & Co. Bedford-row, and Taylor & Westmorland, Wakefield. Fiat, Nov. 9. Pet. Crs. John Hardcastle, of Wakefield, esq., on behalf of the Wakefield and Barnsley Union Bank.

CRAVEN Joseph, of Thornes, in the parish of Wakefield, in the county of York, dyer, and John Hardman, of Rochdale, in the county palatine of Lancaster, solicitor, carrying on business together at Thornes aforesaid, as dyers and copartners in trade, *d. c.*, under the style or firm of Craven & Company.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Bakewell, Wakefield. Fiat, Nov. 6. Pet. Cr. Thomas Wilson, of Birkby, near Huddersfield, brewer, on behalf of the West Riding Union Banking Company.

HARVEY Catherine Sarah, of No. 5, George-street, Hanover-square, in the county of Middlesex, dress-maker.—Official assignee, Bell.—Sols. Clipperton & Impey, Bedford-row. Fiat, Nov. 16. Pet. Crs. William Sedgwick, John Howell, Henry Gillott, Thomas Stroud, and Charles Lee, of Regent-street, warehousemen.

HARVEY Samuel, of East Mersea, in the county of Essex, cattle and sheep dealer, jobber, farmer, *d. c.*—Official assignee, Green.—Sol. Marriott, New Inn, and Colchester. Fiat, Nov. 12. Pet. Cr. James Osborne, of Colchester, corn-dealer.

LAWRENCE Joseph, of Northampton, in the county of Northampton, tobaccoist, trader, *d. c.*—Official assignee, Johnson.—Sols. Dods & Linklater, Leadenhall-street. Fiat, Nov. 9. Pet. Cr. Thomas Huxley, of Whitechapel-road, snuff-manufacturer.

MANN Thomas, of Leicester, in the county of Leicester, paper-hanger.—Official assignee, Bittleston.—Sols. Hodson, Birmingham, and Vincent & Sherwood, Temple. Fiat, Nov. 2. Pet. Crs. Charles Fisher and John Evans, of Tamworth, paper-manufacturers.

OSBORNE Benjamin, of Sheffield, in the county of York, table-knife manufacturer, *d. c.*—Official assignee, Fearn.—Sols. Ryalls, Sheffield, Blackburn, Leeds, and Moss, Cloak-lane, London. Fiat, Nov. 16. Pet. Cr. John Ryalls, of Sheffield, gent.

PALMER Robert Ball, of the city and borough of Bath, in the county of Somerset, watch-maker, *d. c.*—Official assignee, Miller.—Sols. Silverthorne, Bath, and Kirk, Symond's Inn, London. Fiat, Nov. 12. Pet. Cr. Elijah Solomon, of Bath, jeweller.

ROCHESTER Robert, of Hartlepool, in the county of Durham, butcher.—Official assignee, Baker.—Sols. Wilson & Turnbull, Hartlepool, and Meggison & Co. London. Fiat, Nov. 7. Pet. Cr. Rebecca Smith, of Hartlepool, widow.

SEDMAN John, of No. 18, Queen-street, Cheapside, in the city of London, colour-merchant.—Official assignee, Groom.—Sol. Loughborough, Austin-frars. Fiat, Nov. 12. Bankrupt's own petition.

SHARPLES John, of Blackburn, in the county of Lancaster, cotton-manufacturer, *d. c.*—Official assignee, Stanway.—Sols. M. Bentley, Temple, and Robinson & Halton, Blackburn. Fiat, Nov. 11. Pet. Cr. John Cooper, of Preston, cotton-spinner.

SUGDEN John, of Leeds, in the county of York, machine-maker, carrying on business in copartnership with William Sugden, as surviving partners of John Sugden the younger, deceased, under the firm of John Sugden & Sons.—Official assignee, Hope.—Sols. Mitton & Neale, Southampton-buildings, and Dunning & Stawman, Leeds. Fiat, Nov. 14. Pet. Crs. George Beecroft, Thomas Butler, John Octavius Butler, and Edmund Ambrose Butler, of Leeds, iron-masters.

WATSON Sarah Taylor, and William Byers, trading under the names, style, and firm of Watson, Byers, & Co., of Skinner-street, in the city of London, woollen and Manchester warehousemen and copartners in trade.—Official assignee, Turquand.—Sols. Dods & Linklaters, Leadenhall-street. Fiat, Nov. 13. Pet. Cr. John Linklater, of Leadenhall-street, gent.

CERTIFICATES to be allowed December 10.

Bond Charles, of March, leather-seller and boot-maker.
Brand Thomas, of Stamford-street, livery-stable keeper.
Forth Jacob, of Nottingham, hatter.
Mayn Jonathan, of Flushing, merchant.
Pemberton John, of Leeds, soap-boiler.
Robertson James, of Wotton-under-Edge, draper.
Roberts Thomas, of Blackman-street, linen-draper.
Walton Henry Christmas, of Liverpool, surgeon.
Yeardley John, and Elizabeth Yeardley, of Ecclesfield, flax-spinners, (in partnership with William Yeardley).

DIVIDENDS.

Date of Fiat.

1844, **ALDERSON** Isaac, of Warley, in Halifax, Yorkshire, worsted-spinner; first and final div.
1844, **BATTY** William, of Kingston-upon-Hull, currier; div.
1840, **BENSON** Cornelius, of Edgbaston, near Birmingham, Warwickshire, solicitor and manufacturer of metals; div.
1844, **BRADSHAW** James, and James Williams, of Marylebone-street, Piccadilly, Middlesex, woollen-draper; joint div.
1844, **CLARKE** Joseph Charles, of Water-lane, Great Tower-street, London, wine, spirit, and beer merchant; div.
1844, **GIBBONS** Henry, of Wolverhampton, Staffordshire, chemist-druggist, and varnish-maker; div.
1841, **GILES** Thomas, of No. 33, St. John's-lane, Clerkenwell, Middlesex, wire-worker; div.
1826, **GLEADHILL** James, of Oldham, Lancashire, cotton-spinner; final div.

Date of Fiat.

1844, **GRUNDY** John, of Ransbottom, in Tottington Lower End, Lancashire, woollen-manufacturer; first div.
1841, **KEASLEY** Thomas, and Joseph Leonard Keasley, of Langle and Wyld's-rents, Bermondsey, Surrey, tanners; joint div.
1833, **SCHONSWAR** George, of Ferriby, in Kingston-upon-Hull, and Henry Schonswar, late of Sculcoates, Yorkshire, but then of the island of Mauritius, formerly carrying on business at Kingston-upon-Hull together, and latterly carrying on business at London, with George Schonswar, jun., under the firm of Henry and George Schonswar, merchants; div.
1844, **SEDGWICK** Edward, of Hythe, Kent, scrivener; div.
1842, **TODD** Thomas, of Manchester, Lancashire, dealer in cotton and woollen goods; first div.
1839, **WADDELL** James, of No. 1, Lime-street, and Leadenhall-street, London, ship and insurance broker and ship-owner; div.
1842, **WILSON** Joseph, of Fountain-street, in Manchester, Lancashire, warehouseman; second and final div.

Gazette, Friday, November 23.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BLUNDELL Francis, of the city of New Sarum, in the county of Wilts, grocer and tea-dealer.—Official assignee, Johnson.—Sol. Sanger, Temple. Fiat, Nov. 19. Bankrupt's own petition.

ECCLES Samuel, and Charles Ridings, both of Manchester, in the county of Lancashire, cotton, worsted, and linen manufacturers, trading together in copartnership under the style or firm of Eccles, Ridings, & Company.—Official assignee, Pott.—Sols. Barlow & Aston, Manchester. Fiat, Nov. 14. Pet. Cr. Matthew Curtis, of Manchester, machine-maker.

JACKSON William, of No. 24, Charlotte-street, Fitzroy-square, in the county of Middlesex, paper-hanger, house-painter and decorator, *d. c.*—Official assignee, Edwards.—Sol. May, Queen-square. Fiat, Nov. 19. Pet. Cr. Joseph Adnam, of Holborn, colourman.

NEWTON William, of the city of Bath, coal-merchant.—Official assignee, Hutton.—Sols. Messrs. Mogg, Cholwell. Fiat, Nov. 1. Samborne Stuckley Palmer Samborne, of Timbury, Somersetshire, esq., the Rev. Henry Hodges Mogg, Mary Parish, Thomas Savage, and Bartholomew Smith, copartners in trade.

ROCHESTER Robert, of Hartlepool, in the county of Durham, butcher.—Official assignee, Baker.—Sols. Wilson & Turnbull, Hartlepool, and Meggison & Co. London. Fiat, Nov. 7. Pet. Cr. Rebecca Smith, of Hartlepool, widow.

SHERWOOD Thomas, of Tilehurst, near Reading, in the county of Berks, brick-maker, lime-burner, farmer, *d. c.*—Official assignee, Pennell.—Sols. Holmes & Son, Great James-street. Fiat, Nov. 15. Pet. Cr. Edward May, of Reading.

STAPLES Jonas, lately and for twelve months past residing at Cotenham, in the county of Cambridge, plumber, painter, glazier, and paper-hanger, lodging in the house of Mr. William Hard, of Cotenham aforesaid.—Official assignee, Bell.—Sol. Johnson, White-square, Lambeth. Fiat, Oct. 31. Bankrupt's own petition.

TOMKINSON Michael, of Kidderminster, in the county of Worcester, linen-draper, *d. c.*—Official assignee, Whitmore.—Sols. Messrs. Robinson, Queen-street-place, and Hardwick & Davidson, Weavers' Hall. Fiat, Nov. 12. Pet. Crs. John Bradbury and Joseph Grestorex, of Aldermanbury, warehousemen.

UTTING James Henry, of Newman-street, Oxford-street, in the county of Middlesex, upholsterer, cabinet-maker, *d. c.*—Official assignee, Follett.—Sol. Hudson, Bucklersbury. Fiat, Nov. 15. Bankrupt's own petition.

VARDY John Eyre, of No. 108, High-street, Portsmouth, in the county of Hants, draper, *d. c.*—Official assignee, Turquand.—Sols. Moger, Paternoster-row, and Devereux, Portsmouth. Fiat, Nov. 15. Bankrupt's own petition.

CERTIFICATES to be allowed December 12.

Dunbar John, sen., of Tottenham-court-road, iron-founder.
Hadfield Samuel, of Manchester, file-manufacturer.

Flowright Edmund Gibbs, of Wells next the Sea, wine-merchant, (partner with William Flowright).
Regnault Louis Adolphe, of Cheltenham, dress-maker.

DIVIDENDS.

Date of Fiat.

- 1838, BELL Robert, late of Wakefield, but now of Keighley, Yorkshire, woolstapler; div.
- 1844, BRIGHT Benjamin, of No. 40, Wigmore-street, St. Marylebone, Middlesex, licensed victualler; div.
- 1844, CRANEIS Robert Josiah, of Maldon, Essex, butcher and inn-keeper; div.
- 1841, DAINTRY John Smith, and John Ryle, both of Manchester, Lancashire, bankers, lately carrying on business at Manchester, with William Richard Ravenscroft, the said John Ryle also carrying on the business of a banker at Macclesfield, Cheshire, and also in a separate flat against William Richard Ravenscroft, of Manchester, Lancashire, banker, late partner with John Smith Daintry and John Ryle, under the firm of Daintry, Ryle & Co.; fur. joint div., and final sep. div. of Daintry and Ryle.
- 1843, GIBSON Thomas, of North Scale, Isle of Walney, in Dalton, Lancashire, coal-merchant; final div.
- 1842, GODDARD Samuel Aspinwall, and Richard Hill, both of Birmingham, Warwickshire, merchants; div.
- 1844, HADFIELD Samuel, late of Fawcett-street, Great Ancoats-street, in Manchester, Lancashire, file-manufacturer, late in copartnership with John Holme, the younger, under the firm of Hadfield & Co., but now of Lever-street, Manchester, file-manufacturer, on his own account; first and final div.
- 1817, HANNUM Edward, of Threadneedle-street, London, insurance-broker; final div.
- 1843, HEDDERLEY John, of Nottingham, druggist; final div.
- 1843, JONES Henry, of Guildhall-street, Canterbury, victualler and wine and spirit merchant; fur. div.
- 1835, KERR Hall, of Mulgrave-place, Woolwich, Kent, tailor; div.
- 1844, MALLALIEU James, of Stansfield Lodge, Sowerby, in Halifax, Yorkshire, cotton-spinner; div.
- 1844, MONCKMAN Thomas Mosier, of Bradford, Yorkshire, tobaccoist; div.
- 1843, MORTON Thomas Mylam, of No. 104, Bishopsgate-street Within, London, eating-house keeper; fur. div.
- 1842, PALLISSER Richard, of No. 23, Moorgate-street, London, saddler and harness-maker; div.
- 1844, SEDGWICK Thomas, of Leeds, Yorkshire, grocer and tea-dealer; div.
- 1842, SIMMONS Benjamin, and Jonathan Brook, of the Polley, Dockhead, Bermondsey, Surrey, iron-founders; joint div.
- 1844, SMITH James, and Henry Titford, of No. 10, King-street, Snow-hill, London, engravers and printers; joint div. and sep. div. of Titford.
- 1842, STARIE William, of Cutler-street, Houndsditch, London, carpenter and builder; fur. div.
- 1842, SWALLOW John, the elder, John Swallow, the younger, and George Swallow, of Brow and Sterne Mills, Skircoat, in Halifax, Yorkshire, corn-millers, carrying on trade under the firm of John Swallow & Sons; sep. div. of Swallow, sen.
- 1841, TAYLOR James, of Brighthelmstope, Sussex, bookseller and stationer; div.
- 1844, WILLIAMS Henry, of Farringdon, Berkshire, grocer, tea-dealer, and cheese-factor; div.

BURGESS John, of Cratfield, in the county of Suffolk, farmer, cattle-dealer, *d. c.*—Official assignee, Belcher.—Sols. Wilde & Co. College-hill. Fiat, Nov. 19. Pet. Cr. Robert Bell, of No. 109, Bishopsgate-street.

CLARKE William, of Sheffield, in the county of York, builder, *d. c.*—Official assignee, Young.—Sols. Moss, Cloak-lane, and Blackburn, Leeds. Fiat, Nov. 19. Pet. Cr. John Ryalls, of Sheffield, gent.

COX William, of Crown-street, Soho, in the county of Middlesex, general dealer. *d. c.*—Official assignee, Belcher.—Sols. Pain & Hatherly, Great Marlborough-street and Basinghall-street. Fiat, Nov. 23. Pet. Cr. Edward Smith, of Oxford-street, cheese-monger.

FIGGE John Frederick, of No. 3, Dunster court, Mincing-lane, in the city of London, merchant.—Official assignee, Turquand.—Sols. Nicholson & Co. Throgmorton-street. Fiat, Nov. 25. Bankrupt's own petition.

HALL John, of Willington West Farm, in the parish of Wallsend, in the county of Northumberland, cowkeeper, *d. c.*—Official assignee, Wakley.—Sols. Wilson, Sunderland, and Bell & Co. Bow-churchyard. Fiat, Nov. 5. Pet. Cr. William Peverley, jun., of Sunderland, master-mariner.

HAMBLETON Charles Henry, late of the Northampton Arms public-house, Northampton-street, Bethnal-green, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Edwards.—Sols. Malton & Co. Carey-street. Fiat, Nov. 18. Pet. Crs. Philip Worsley, William Henry Whitbread, Joseph Martineau, Joseph Goodman, the Right Hon. Sir John Cam Hobhouse, baronet, Samuel Charles Whitbread, the Right Hon. Charles Shaw Lefevre, Richard Martineau, and John Manning Needham, of Chiawell-street, brewers.

HARRIS John Quincey, of Winchester-place, in the borough of Southwark, in the county of Surrey, hat-manufacturer, *d. c.*—Official assignee, Bell.—Sol. Parker, Lincoln's Inn-fields. Fiat, Nov. 18. Pet. Cr. Durrant Quincey, of Prospect-place, gent.

HASELDEN James, of Bolton-le-Moors, in the county of Lancaster, cotton-spinner and manufacturer, *d. c.*—Official assignee, Fraser.—Sols. Milne & Co. Temple, and Winder & Broadbent, Bolton. Fiat, Nov. 20. Pet. Cr. John Harwood, of Bolton-le-Moors, candle-dealer.

HUMBLE John, of Ossett, near Wakefield, in the county of York, manufacturing chemist, *d. c.*—Official assignee, Fearn.—Sols. Gregory & Co. Bedford-row, Wavell, Halifax, and Courtenay, Leeds. Fiat, Nov. 11. Pet. Cr. James Carr, late of Sheffield, but now of Bath, gent.

JOHNSON James, of No. 6, North-place, Gray's Inn-lane, in the county of Middlesex, apothecary, *d. c.*—Official assignee, Johnson.—Sols. Lindsay & Mason, Cateaton-street. Fiat, Nov. 23. Bankrupt's own petition.

MEUGENS Peter Joseph, of No. 43, Dunster-court, Mincing-lane, in the city of London, broker.—Official assignee, Edwards.—Sols. Nicholson & Parker, Throgmorton-street. Fiat, Nov. 25. Bankrupt's own petition.

ROBINSON Eleanor, and William Robinson, both of Swinford, in the county of Leicester, bakers and copartners in trade, *d. c.*—Official assignee, Valpy.—Sols. Mash, Lutterworth, Smith, Bedford-row, and Motteram, Birmingham. Fiat, Nov. 10. Bankrupt's own petition.

STEPHEN George, of No. 4, Skinner's-place, Sise-lane, in the city of London, and of William-street, Knightsbridge, in the county of Middlesex, scrivener, bill-broker, *d. c.*—Official assignee, Pennell.—Sol. Cox, Sise-lane. Fiat, Nov. 22. Bankrupt's own petition.

TOMLIN James, of St. Michael's-alley, Cornhill, in the city of London, ship-broker, *d. c.*—Official assignee, Whitmore.—Sols. Deaborough & Young, Sise lane. Fiat, Nov. 17. Bankrupt's own petition.

VANDERPLANK Bartholomew, of Love-lane, in the city of London, woollen-warehouseman.—Official assignee, Whitmore.—Sol. James, Baringhall-street. Fiat, Nov. 7. Pet. Crs. John Lupton, of No. 33, Basinghall-street, woollen-warehouseman, and William Pennell and John William Applegate, assignees of Joseph Bradshaw, a bankrupt.

WATT Robert, of No. 43, Lime-street, in the city of London, merchant and commission-agent, *d. c.*—Official assignee, Graham.—Sol. Sharpe, Verulam-buildings. Fiat, Nov. 23. Bankrupt's own petition.

Gazette, Tuesday, November 26.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

OWN John, of Newcastle-under-Lyme, in the county of Stafford, painter and gilder, *d. c.*—Official assignee, Bittleston.—Sols. Harrison & Smith, Birmingham, and Jackson, Field-court, Gray's Inn. Fiat, Nov. 21. Bankrupt's own petition.

WHITE John Cooper, of Canterbury, in the county of Kent, draper, *d. c.*—Official assignee, Groom.—Sols. Messrs. Sole, Aldermanbury. Fiat, Nov. 15. Pet. Crs. Robert and Christopher Milburn, of Newgate-street, warehousemen.

CERTIFICATES to be allowed December 17.

Brooks William Alexander, of Newcastle, quarryman.
Gordon Thomas Loram, of Exeter, cabinet-maker.
Hopkins Francis Charles, of Tottenham court-road, beer-retailer.
Kemp Thomas, and **Richard** Davis, of Aston, builders.
Rodd Horatio, of Great Newport-street, commission-agent.
Roskell Nicholas, of Liverpool, merchant, (partner with **James de Peyster Ogden**).
Tregear Ann, and **Thomas** Crump Lewis, of Cheapside, music-sellers.

DIVIDENDS.

Date of Fiat.

- 1841, **BOULT** Swanwick, and **Thomas** Addison, both of Liverpool, Lancashire, stock and share brokers; div.
 1819, **BULMER** Timothy, and **Richard** Bulmer, of South Shields, Durham, rope manufacturers; first and final joint div.
 1844, **DEANE** Charles, of Southampton, coach-builder; div.
 1844, **DIXON** John, of Sheffield, Yorkshire, linen-draper; final div.
 1843, **DYSON** John, of Abbey Dale Works, Sheffield, Yorkshire, scythe-manufacturer, heretofore trading under the style or firm of **Dyson, Biggin & Co.**, and now trading under the style or firm of **John Dyson & Company**; first and final div.
 1844, **FIELD** George, of No. 2, Bond-court, Walbrook, London, packer and merchant; div.
 1842, **HALL** William, of Tredington, Worcestershire, and **Robert** Rainbow, of Stratford-upon-Avon, Warwickshire, corn and coal merchants; final joint and sep. divs.
 1842, **LEDIARD** Thomas, of Cirencester, Gloucestershire, money-scrivener; div.
 1842, **LEIGHTON** Andrew, of Liverpool, Lancashire, merchant; div.
 1843, **MILLS** William Frederick, of Hart-street, Mark-lane, London, and of No. 120, High Holborn, Middlesex, merchant and gun-maker; div.
 1843, **MURRAY** John, and **William** Brown, both of Liverpool, Lancashire, millwrights, engineers, and iron-founders; sep. div. of Brown.
 1841, **NAYLOR** James, the younger, of Kingston-upon-Hull, boat-builder; final div.
 1842, **NUTTER** James, of Cambridge, miller and merchant, carrying on business under the firm of **James Nutter & Sons**; div.
 1844, **PRIOR** John, and **Henry** Brady, both of Kingston-upon-Hull, brush-manufacturers, and oil and colour merchants; div.
 1839, **WADDELL** William, of Liverpool, Lancashire, merchant and ship-broker; div.
 1842, **WARREN** Richard, of Liverpool, Lancashire, druggist, a shareholder in a certain steam navigation company, carrying on business at Liverpool, under the style of the **St. George's Steam Packet Company**; final div.

Gazette, Friday, November 29.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CROSS** William, of the city of Chester, lead-merchant and distiller, *d. c.*—Official assignee, Casenove.—Sols. Sharpe & Co. Bedford-row, and Carter, Liverpool. Fiat, Nov. 22. Pet. Crs. **James** Gibson Carter, **James** Mullineux, and **John** Woodfal Mullineux, of Liverpool, distillers.
HARWAR Joseph, of Charlotte-street, Bloomsbury, in the county of Middlesex, piano-forte manufacturer, *d. c.*—Official assignee, Edwards.—Sols. Willis & Co. Tokenhouse-yard. Fiat, Nov. 27. Pet. Cr. **Thomas** Harwar, of Searle's-place, Carey-street, law-stationer.
HENDERSON William, of the borough of Sunderland, in the county of Durham, mercer and draper, *d. c.*—Official assignee, Baker.—Sols. Brown, Sunderland, and Moss, Cloak-lane. Fiat, Nov. 9. Pet. Cr. **Timothy** Bevington, of King William-street, furrier.

IBBOTSON Matthew, and **John** Ibbotson, of Rivelin Paper Mill, in the parish of Ecclesfield, in the county of York, paper-manufacturers, *d. c.* and copartners.—Official assignee, Freeman.—Sols. Tattershall, Great James-street, Marshall, Sheffield, and Blackham, Leeds. Fiat, Nov. 22. Pet. Crs. **Robert** Edward Marshall and **William** Marshall, of Sheffield, iron merchants.

MARSHALL Robert, of No. 6, Pleasant-row, High-street, Deptford, and of Upper-road, Deptford aforesaid, in the county of Kent, stone-mason.—Official assignee, Groom.—Sols. Tyler & Lane, Gray's Inn. Fiat, Nov. 23. Pet. Crs. **Evan** Wynne Roberts and **James** William Aldard, of Potter's-fields, Tooley-street, shoemercants.

NORTH John, late of No. 67½, Whitechapel-road, but now of Map-row, Stepney-green, both in the county of Middlesex, licensed victualler.—Official assignee, Pennell.—Sols. Yonge & Hancock, Tokenhouse-yard. Fiat, Nov. 25. Bankrupt's own petition.

OLIVER William, of Darlington, in the county of Durham, printer, bookseller, stationer, *d. c.*—Official assignee, Wakley.—Sols. Allison, Darlington, and Tilson & Squance, Coleman-street. Fiat, Nov. 19. Pet. Crs. **William** Bainbridge and **Charles** Thomas Bainbridge, of Yarm, Yorkshire, paper-manufacturers.

REES William, and **George** Edwards, both of Wells, in the county of Somerset, gardeners, nursery and seedsmen, *d. c.*—Official assignee, Miller.—Sols. Whitaker, Lincoln's Inn-fields, Fry & Pinf. Axbridge, and Robins & Hobbs, Wells. Fiat, Nov. 25. Bankrupt's own petition.

STOREY James, and **John** Gibb, both of Liverpool, in the county of Lancaster, ship-chandlers, *d. c.*, lately carrying on business in a partnership together, under the style or firm of **Storey & Company**.—Official assignee, Morgan.—Sols. Willis & Co. Tokenhouse-yard, and Mason, Liverpool. Fiat, Nov. 22. Pet. Crs. **Daniel** Bell and **William** Horner, of Liverpool, hemp-mercants.

TUCKER Richard, of Dean-street, in the city of Westminster and county of Middlesex, farrier, *d. c.*—Official assignee, Follett.—Sols. Blackmore, St. Martin's-place. Fiat, Nov. 26. Pet. Cr. **Francis** Tucker, of Kensington, wax-chandler.

WALKER Cecil Sober Taylor, of No. 159, Oxford-street, in the county of Middlesex, artificial florist, *d. c.*—Official assignee, Bercher.—Sols. Ward, Essex-street, Strand. Fiat, Nov. 28. Pet. Cr. **John** Bowser, of Milton-street, Dorset-square, timber-merchant.

WILLIAMS Lucy, of the city of Oxford, woollen-draper, *d. c.*—Official assignee, Groom.—Sols. Dickson & Overbury, Frederick's-place. Fiat, Nov. 18. Pet. Crs. **William** Mayor and **James** Ratcliff, of Manchester, satteen manufacturers.

WORTH Edward Potter, of Henley in Arden, in the county of Warwick, victualler.—Official assignee, Christie.—Sols. Noble, Henley in Arden, and Harrison & Smith, Birmingham. Fiat, Nov. 22. Bankrupt's own petition.

CERTIFICATES to be allowed December 29.

Atkins John, of Aston, beer-house keeper.
Harraden Henry Richard, of Cambridge, print-seller.
Low Henry Malcolm, and **William** Marcus Westermann, of Colchester, merchants, (partners with **Charles** Augustus Canton).
Morrison Pearson Richard, of Liverpool, merchant.
Stent George, of Camberwell, builder.
Tobias Isaac, of Birmingham, factor.

DIVIDENDS.

Date of Fiat.

- 1844, **AVERY** John, of No. 37, Mincing-lane, London, and of No. 4, Cumberland-place, Old Kent-road, Surrey, colonial-broker; div.
 1844, **BAKER** John, late of Romsey, Hants, draper and grocer; div.
 1844, **BALLS** James, of Holloway-road, Islington, Middlesex, iron stable keeper; div.
 1844, **BESLEY** Richard, of No. 46, Wells-street, Oxford-street, Middlesex, wine-cooper, bottle and cork merchant, and butcher, ale and beer merchant, trading under the style or firm of **Beasley & Co.**; div.
 1844, **BREZ** John James, of Chester, tailor and draper; div.
 1842, **CRISPIN** James Clarke, of No. 31, Raucehop, London, shipping-agent and merchant; div.

Date of Fiat.

- 1844, CROSS Richard, of No. 24, Jermyn-street, St. James's, Westminster, saddler and harness-maker, and now a prisoner in the Queen's prison; div.
- 1843, FOSTER Elizabeth Hannah, of Hathern, Leicestershire, tanner; div.
- 1844, GOODEVE Alfred, of No. 35, Aldermanbury, London, warehouseman; div.
- 1844, HARRADEN Henry Richard, of Cambridge, print seller; div.
- 1844, LAW William, of Reading, Berkshire, draper; div.
- 1835, LEE Richard, Richard John Brassey, Fuller Farr, and George Lee, of Lombard-street, London, bankers, carrying on business under the style or firm of Lees, Brassey, Farr, and Lee; joint div.
- 1843, MURRAY John, and William Brown, both of Liverpool, Lancashire, millwrights, engineers, and iron-founders; sep. div. of John Murray.
- 1844, PORTWAY Augustus, of Braintree, Essex, tea-dealer; div.
- 1843, REYNOLDS Edward, of Merton, Surrey, silk and woollen printer; div.
- 1844, SCHOLEFIELD Joseph, of No. 39, Cheapside, London, cutler; div.
- 1844, TREGGAR Ann, and Thomas Crump Lewis, of No. 96, Cheapside, London, piano-forte, print, and music sellers; joint div.
- 1842, WATSON James, the elder, and James Watson, the younger, both of Wath upon Dearne, Yorkshire, common brewers; final sep. divs.
- 1842, WHITMARSH Thomas Henry, late of the Green Man Hotel, Blackheath, Kent, and now of George-street, Hanover-square, Westminster, hotel-keeper, tavern-keeper, and coffee-house keeper; div.
- 1842, WHITMARSH Thomas, of the Sussex Hotel, Tunbridge Wells, in the counties of Kent and Sussex, or one of them, hotel-keeper and coach-proprietor; div.

Gazette, Tuesday, December 3.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SPENCER Joseph, jun., of Liverpool, builder.

TOWN AND COUNTRY FIATS.

- BARTON William Henry, of No. 9, Bedford-place, Commercial-road East, in the county of Middlesex, and of No. 2, Church-lane, Whitechapel, in the said county of Middlesex, and of High-street, Chelmsford, in the county of Essex, and of No. 5, Town Pier, Gravesend, in the county of Kent, boot and shoe maker, *d. c.*—Official assignee, Follett.—Sol. Heath, Gracechurch-street. Fiat, Nov. 30. Pet. Cr. Stephen Hobson Heath, of Giltspur-street, boot and shoe factor.
- BURCHETT William, of No. 94, Whitechapel-road, in the county of Middlesex, chemist and druggist.—Official assignee, Johnson.—Sol. Turner, Mount-place, Whitechapel-road. Fiat, Nov. 28. Bankrupt's own petition.
- DOTESIO Charles, of the Royal Hotel, Slough, in the county of Buckingham, hotel-keeper, victualler, *d. c.*—Official assignee, Follett.—Sol. Froggatt, Clifford's Inn. Fiat, Nov. 29. Pet. Crs. Thomas and Henry Morel, of Piccadilly, wine-merchants.
- INLAYSON John, late of No. 11, Ranelagh-street, Pimlico, in the county of Middlesex, grocer and tea-dealer.—Official assignee, Belcher.—Sols. Messrs. Tyas & Tyas, Beaufort-buildings, Strand. Fiat, Nov. 23. Pet. Cr. Charles Bennett, of Fetter-lane, tea-dealer.
- EEVIL William, of No. 4, Cornwall-place, Holloway, in the county of Middlesex, grocer and general dealer.—Official assignee, Turquand.—Sol. Scargill, Hatton-court, Threadneedle-street. Fiat, Nov. 22. Pet. Crs. Thomas William Wing, of Eastcheap, grocer, and Byrams Thomas Lambert and Joseph Dawson, executors of John Lambert, deceased.

KETCHUM Isaac, formerly of St. John's, New Brunswick, late of the city of London, but now of Liverpool, in the county of Lancaster, merchant, formerly carrying on business at St. John's aforesaid, in partnership with Elizabeth Farley, under the firm of E. Farley & Company.—Official assignee, Casenove.—Sols. Sharpe & Co. Bedford-row, and Miller & Peell, Liverpool. Fiat, Nov. 28. Bankrupt's own petition.

LADSON James, of Ramsgate, in the county of Kent, carver, gilder, picture-frame maker, smack-owner, *d. c.*—Official assignee, Green.—Sol. Yates, Bury-street, St. Mary Axe. Fiat, Nov. 23. Pet. Cr. Henry Benjamin, of No. 41, St. Mary-at-Hill, fish-factor.

NOTMAN William, of No. 29, John-street, Tottenham-court-road, in the county of Middlesex, pianoforte-maker, *d. c.*—Official assignee, Turquand.—Sol. Ward, Essex-street. Fiat, Nov. 28. Pet. Cr. John Stratton, of Midford-place, Tottenham-court-road, veneer-cutter.

PEARCE James, of Praed-street, Paddington, in the county of Middlesex, carman and excavator, and proprietor of carts to let to hire.—Official assignee, Groom.—Sol. Graeff, Furnival's Inn. Fiat, Nov. 28. Bankrupt's own petition.

PERKINS William, of No. 2, Common Hard, Portsea, in the county of Southampton, upholsterer.—Official assignee, Bell.—Sols. Bull & Co. Ely-place. Fiat, Nov. 28. Bankrupt's own petition.

ROBERTS William Kent, of Abingdon, in the county of Berks, grocer.—Official assignee, Green.—Sols. Wire & Child, St. Swithin's-lane. Fiat, Nov. 28. Pet. Crs. Hugh Casement and Robert Davies Red, of No. 75, Upper Thames-street, provision-merchants.

ROBINSON Henry, of Devonport, in the county of Devon, brewer, *d. c.*—Official assignee, Hirtzel.—Sols. Smith, Devonport, Keddle & Co. Lime-street, and Stogdon, Exeter. Fiat, Nov. 18. Pet. Cr. John Martin, of Devonport, broker.

WALKER John, and Charles White, of No. 3, Jewry-street, Aldgate, in the city of London, builders, *d. c.*—Official assignee, Groom.—Sol. Slee, Parish-street, Southwark. Fiat, Nov. 25. Pet. Cr. James Martin, of Back-street, St. John, Southwark, builder.

WALLINGTON Jacob, of the city of Bristol, painter and ship-chandler, *d. c.*—Official assignee, Acraman.—Sols. Gillard & Co. Bristol. Fiat, Nov. 30. Pet. Cr. John Williams, of Bristol, brush-maker.

WALTER Michael, of No. 21, Fleet-lane, Farringdon-street, in the city of London, wholesale hardwareman, *d. c.*—Official assignee, Pennell.—Sol. King, St. Mary Axe. Fiat, Nov. 28. Bankrupt's own petition.

WHITE George Edward, of Minster-street, Reading, in the county of Berks, tailor.—Official assignee, Graham.—Sols. à Beckett & Co. Golden-square. Fiat, Nov. 28. Pet. Crs. Thomas Jones, Alexander Martin Bidgood, and Arthur Wilson, of Vigo-street, Westminster, woollen-draper.

WILLIAMS Thomas, the elder, of the town of Cardiff, in the county of Glamorgan, iron-founder.—Official assignee, Kynaston.—Sols. Dalton, Cardiff, and Perkins, Bristol. Fiat, Nov. 22. Pet. Crs. Richard Tredwell, of Cardiff, ship-builder, Samuel Ware, of Bristol, tailor, Henry Hart Parry, broker, Richard Hart Parry, broker, Thomas Williams, merchant, Joseph Brown, broker, William Brown, broker, and Griffith Phillips, druggist, all of Cardiff, William Jones, of Park, farmer, George Bird, draper, David Davies, victualler, William Williams, brewer, William Prichard, junior, wharfinger, Charles Vachell, druggist, and William Catleugh, iron-founder, all of Cardiff, Thomas Collingdon, of London, gent., David Lewis, rope-maker, Henry Hooper, agent, Thomas Watkins, senior, auctioneer, William Bradley Watkins, agent, William Rosser, pilot, William Bird, stationer, and John Lloyd, accountant, all of Cardiff.

WILLER Joseph, of Windsor, in the county of Berks, licensed victualler, *d. c.*—Official assignee, Bell.—Sols. Parkes & Co. Bedford-row. Fiat, Nov. 28. Pet. Cr. William Simmonds, of Windsor, baker and grocer.

CERTIFICATES to be allowed December 24.

Barham Richard, of Emsworth, draper.
George John, of Bread-street and James-street, Bethnal-green, silk-manufacturer.
Holmes James Simpson, of Liverpool, ship-broker.

Lowther John, of Queen's-row, Pentonville, builder.
 Marshall George James, and William Charles Hall, of Wood-street, warehousemen.
 Millar William, of Wapping-wall, engineer, (partner with Isaac Hague and William Thompson Grant).
 Orrell William, of Manchester, commission-agent.
 Stephens Timothy, of Newgate-street, and Holborn-bars, umbrella manufacturer.

DIVIDEND.

Date of Fiat.

1844, SUGDEN Joah, and David Sugden, of Springfield, in Kirkburton, and of Huddersfield, both in Yorkshire, fancy-cloth manufacturers; first div.

Gazette, Friday, December 6.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

BUCKNALL Stephen, of Hendon, in the county of Middlesex, carman, *d. c.*—Official assignee, Graham.—Sol. Abrahams, Lincoln's Inn-fields. Fiat, Nov. 18. Pet. Cr. Charles Bromsgrove, of Dudley-grove, Paddington, blacksmith.

CARTER Charles, of Saddington, in the county of Leicester, miller and baker, *d. c.*—Official assignee, Whitmore.—Sols. Braham, Chancery-lane, and Rowlinson, Birmingham. Fiat, Dec. 31. Bankrupt's own petition.

MACKAY James, formerly of St. John's, New Brunswick, late of New York, in the United States of America, and now of Liverpool, in the county of Lancaster, merchant.—Official assignee, Turner.—Sols. Sharpe & Co. Bedford-row, and Miller & Peel, Liverpool. Fiat, Nov. 28. Bankrupt's own petition.

ROBSON John Wordsworth, and John Barrow, of St. Ann's, Limehouse, in the county of Middlesex, patent-pump and water-closet manufacturers, *d. c.* and copartners.—Official assignee, Graham. Sol. Randall, Birchin-lane. Fiat, Dec. 3. Bankrupt's own petition.

SAWYER John, of Egham, in the county of Surrey, butcher.—Official assignee, Johnson.—Sol. Smith, Barnard's Inn. Fiat, Nov. 25. Pet. Cr. James Fuller, of Slough, cattle-salesman.

CERTIFICATES to be allowed December 27.

Hiller George, of Sun-street, varnish-manufacturer.
 Hitchen Henry, of Halifax, ironmonger.
 Marsh Thomas, of Canterbury, miller.
 Monckman Thomas Mosier, of Bradford, tobacconist.
 Patterson Adam, of Liverpool, stable-keeper.
 Peacock John, of Stockton-upon-Tees, grocer, (partner with Henry Peacock).
 Ramsey John, of Chapel-street, Somers-town, cheesemonger.
 Schofield William, of Oldham, machine-maker.
 Trumble William, of Liverpool, victualler.
 Walton James, of Newcastle, saddler.

DIVIDENDS.

Date of Fiat.

1840, BENBOW Richard, of Liverpool, Lancashire, timber-merchant and timber-broker; div.

1844, BUTTERWORTH Thomas William, of Bedford-street, in Hulme, Lancashire, draper and smallware dealer, also carrying on the business of a manufacturer and fent dealer in Back George-street, in Manchester, Lancashire, in partnership with William Liffé, under the firm of T. W. Butterworth & Co.; first div.

1836, COUPLAND John, and Frederick Duncan, of Liverpool, Lancashire, merchants and factors; joint and sep. divs.

1842, JACOB Alexander, of Manchester, Lancashire, merchant; first div.

1842, TODD Thomas, of Manchester, Lancashire, dealer in cotton and woollen goods, and also under a fiat against Francis Definne, of Manchester, Lancashire, check and gingham manufacturer; joint div.

Gazette, Tuesday, December 10.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

AYLING James, of Commercial-street, Leeds, in the county of York, cabinet-maker and upholsterer, carrying on business and trading under the name or style of James Ayling & Co.—Official assignee, Turquand.—Sol. Yorkington, New Bridge-street. Fiat, Dec. 6. Bankrupt's own petition.

BEALE John, of the parish of Cadoxton, in the county of Glamorgan, grocer and shopkeeper.—Official assignee, Hutton.—Sols. Reer, Swansea, and Short, Bristol. Fiat, Nov. 26. Pet. Cr. William Marsden, of Swansea, draper.

BRETT John, of Whiting-street, Bury St. Edmunds, in the county of Suffolk, currier and leather-seller.—Official assignee, Green.—Sols. Nettleship, Clifford's Inn, and Durrant, Bury St. Edmunds. Fiat, Dec. 7. Bankrupt's own petition.

BUCKNELL Stephen, of Hendon, in the county of Middlesex, carman, *d. c.*—Official assignee, Graham.—Sol. Abrahams, Lincoln's Inn-fields. Fiat, Nov. 18. Pet. Cr. Charles Bromsgrove, of No. 51, Dudley-grove, Paddington, blacksmith.

DRURY William Starr, of the city of Chester, ironmonger, *d. c.*—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Hestage, Chester. Fiat, Dec. 5. Pet. Cr. Samuel Walker, of Walthamton, brass-founder.

GIBBONS John Thomas, of Eaton, in the county of Buckingham, grocer, tea-dealer, *d. c.*—Official assignee, Green.—Sols. Bell & Co. Bow-churchyard. Fiat, Nov. 25. Pet. Crs. John Bradley Shuttleworth and Samuel Shuttleworth, of Eastcheap, tea-dealer.

MAIDSTONE Caroline, of King's-parade, in the town of Cambridge, in the county of Cambridge, milliner and dress-maker, *d. c.*—Official assignee, Bell.—Sol. Robinson, Halfmoon-street. Fiat, Nov. 23. Bankrupt's own petition.

MARTIN Josiah, of No. 229, High-street, St. Leonard, Shorefield, in the county of Middlesex, tallow-chandler, *d. c.*—Official assignee, Johnson.—Sol. Walters, Basinghall-street. Fiat, Dec. 7. Bankrupt's own petition.

NEEDHAM Elias, the younger, of Little Houghton, in the county of Lancaster, clogger and currier.—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Needham, Manchester. Fiat, Dec. 6. Pet. Cr. Esther Fletcher, of Sale, Cheshire, spinster.

RENDLE William Skinner, of Penzance, in the county of Cornwall, tea-dealer, grocer, *d. c.*—Official assignee, Hernaman.—Sols. H. & Mathews, St. Mary Axe, and Terrell, Exeter. Fiat, Nov. 23. Pet. Crs. Joseph Stubbs, Edward Absolom, and William Ayres Stubbs, of Rood-lane, wholesale grocers.

ROSE Thomas, of Nursling, in the county of Southampton, brickburner, builder, *d. c.*—Official assignee, Belcher.—Sol. Johnson, Walcot-square. Fiat, Dec. 9. Bankrupt's own petition.

CERTIFICATES to be allowed December 31.

Coghlan Michael, of Almondbury, cloth-manufacturer, (partner with John Buckley Lood).
 Good Edward Mark, of Rye-lane, Peckham, and Goose-green, Dulwich, farmer.
 Humphrey Thomas, sen., and Thomas Humphrey, jun., of H. shipwrights.
 M'Laughlin Edward, of Long-lane, Bermondsey, hair-merchant.
 Wolland William, of Exeter and Powderham, turner, (partner with John Wolland).

DIVIDENDS.

Date of Fiat.

1843, ALTAZIN Charles, of Conduit-street, St. George, Hanover-square, Middlesex, upholsterer; final div.

1842, BODDINGTON George, of Warwick, coach-builder; final div.

1843, BOULTON William, the younger, and William Frederick Palmer, of Stafford, builders; div.

1843, BRAIN Ephraim, of Rodney-street, Pentonville, Middlesex, steel and copper-plate printer; div.

Date of Fiat.

- 843, COLLIER** Richard, of Hythe, and of Folkstone, Kent, draper; final div.
- 835, DEAN** Richard, of Milner-place, Lambeth, Surrey, builder; div.
- 1841, DUNCAN** Angus, and Charles Duncan, both of Tokenhouse-yard, London, merchant, trading under the firm of Duncan, Brothers; div.
- 1844, GLAZEBROOK** Joseph, of the Sand Pits, Birmingham, Warwickshire, carpenter and builder; div.
- 1843, GOUGH** William Benjamin, of Newport Pagnell, Bucks, grocer; div.
- 1843, HICKINBOTTOM** George, of Burbage, Leicestershire, baker and grocer; div.
- 1844, NEWTON** Charles, and Charles Worssam, both of Kingsland Basin, Kingsland-road, Middlesex, engineers and millwrights; div.

Gazette, Friday, December 13.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ATTWATER William, of No. 24, Devonshire-street, Queen-square, in the county of Middlesex, dyer, scourer, *d. c.*—Official assignee, Belcher.—Sol. Whitaker, Furnival's Inn. Fiat, Dec. 6. Bankrupt's own petition.

BENTLEY Henry, of Liverpool, in the county of Lancaster, commission and forwarding agent, *d. c.*—Official assignee, Turner.—Sols. Oliver, Old Jewry, and Evans, Liverpool. Fiat, Dec. 7. Bankrupt's own petition.

BERESFORD Thomas, of the city of Lincoln, boat-owner and carrier by water, *d. c.*—Official assignee, Fearn.—Sols. Galsworthy & Co. Cook's-court, and Payne & Co. Leeds. Fiat, Nov. 14. Pet. Cr. Thomas Dunston, of Torksey, Lincolnshire, boatwright.

CREIGH Benjamin, and Thomas Russell Creigh of the borough and county of Newcastle-upon-Tyne, cartwrights, builders, *d. c.*—Official assignee, Baker.—Gibson, Newcastle, and Maples & Co. Frederick's-place. Fiat, Dec. 2. Pet. Cr. John Little Niel, of Newcastle-upon Tyne, timber-merchant.

FORSTER John, of Armley, in the parish of Leeds, in the county of York, cloth-manufacturer, *d. c.*—Official assignee, Fearn.—Sols. Smith, Leeds, and Wiglesworth & Co. Gray's Inn-square. Fiat, Dec. 3. Pet. Cr. Robert Dorrington, of Leeds, cloth-manufacturer.

FRANCIS Absalom, of Halkin, in the county of Flint, iron-founder, carrying on business at the Dee Bank Forge, at Bagillt, in the said county, under the style or firm of the Dee Bank Forge Company.—Official assignee, Morgan.—Sols. Milne & Co. Temple, and Roberts & Son, Mold. Fiat, Dec. 6. Pet. Cr. Edward Oakeley, of Mold, iron-master.

HARROLD George, late of Trevallyn, near Launceston, in Van Dieman's Land, but now of Birmingham, in the county of Warwick, merchant, *d. c.*—Official assignee, Valpy.—Sols. Messrs. Ryland, Birmingham. Fiat, Dec. 7. Pet. Crs. Frederick, William, and Alfred Harrold, of Birmingham, merchants.

LIBBIS Samuel, of Stratton St. Mary, in the county of Norfolk, inn-keeper.—Official assignee, Edwards.—Sols. Abbott, Rolls-yard, Chancery-lane, and Day, Norwich. Fiat, Dec. 6. Pet. Cr. William Pulley, of Norwich, attorney.

PARSONS Samuel, of Manchester, in the county of Lancaster, paper-hanger.—Official assignee, Frazer.—Sols. Edge & Parker, Manchester, and Mawe, New Bridge-street. Fiat, Dec. 9. Pet. Cr. William M'Crary Lightfoot, of No. 5, Charles-street, Westbourne-terrace, Middlesex, paper-stainer.

NEEZUM Charles, of No. 51, Wynyatt-street, Clerkenwell, in the county of Middlesex, and of the Beckford's Head public-house, No. 38, Old-street, St. Luke's, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Pennell.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Dec. 12. Bankrupt's own petition.

STOCKLEY Richard, of Ramsgate, in the county of Kent, upholsterer, cabinet-maker, and paper-hanger.—Official assignee, Bell.—Sol. Llewellyn, Cook's-court. Fiat, Dec. 10. Bankrupt's own petition.

CERTIFICATES to be allowed January 3.

Alderton Charles, of Brighton, tailor.
Brady Henry, of Hull, brush-manufacturer and oil-merchant, (partner with John Prior).
Croxtan George, of Manchester, glass-dealer, also as a poulterer, in partnership with James Langshaw.
Johnson George Thomas Fortin, of Norwich, chemist.

DIVIDENDS.

Date of Fiat.

- 1844, BRADDICK** James Welch, of Baptist Mills, Bristol and Sodbury, Gloucester, tanner; div.
- 1826, BROUGHTON** Charles Delves, and John Jasper Garnett, both of Nantwich, Cheshire, bankers; sep. div. of Broughton.
- 1842, PARKER** John, of Manchester, Lancashire, coach-builder; final div.
- 1842, TODD** Thomas, of Manchester, Lancashire, dealer in cotton and woollen goods; first div.
- 1815, WALKER** William, of Walness, Lancashire, *d. c.*; first div.
- 1844, WHITEHEAD** James, now of Ainsworth, Lancashire, but late of Bolton-le-Moors, said county, common brewer; first div.

Gazette, Tuesday, December 17.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

BUTTRESS William Cowland, of Sewardstone, silk-throwster.

TOWN AND COUNTRY FIATS.

BALNE Humphrey Charles, of the town and county of Poole, grocer, *d. c.*—Official assignee, Follett.—Sol. Shaw, Furnival's Inn. Fiat, Dec. 7. Pet. Crs. Henry Mayor and Thomas Skinner, of Upper Thames-street, hop and oil merchants, and William Pantom and Thomas Turner, of Smithfield, brush-manufacturers.

BLOCKLEY Richard, of Crewe, in the county of Chester, linen-draper, *d. c.*, carrying on business there in copartnership with Isaac Booth, also carrying on business as a draper on his own account, at Market Drayton, in the county of Salop, as a trader indebted jointly and together with his said partner, Isaac Booth.—Official assignee, Pott.—Sols. Makinson & Sanders, Temple, and Atkinson & Saunders, Manchester. Fiat, Dec. 9. Pet. Crs. William Bowdler, of Manchester, and Samuel and James Watts, his copartners, merchants.

POTHERGILL Francis, and James M'Innes, of Bell's-close, near Scotswood, in the county of Northumberland, lamp-black, coal-tar, and ammonia manufacturers.—Official assignee, Wakley.—Sols. Chisholme & Co. Lincoln's Inn-fields, Harle, Newcastle, and Kent, Newcastle. Fiat, Dec. 10. Pet. Cr. James Brown, of Newcastle-upon-Tyne, cooper.

PEACH Samuel, of the town of Nottingham, grocer, *d. c.*—Official assignee, Christie.—Sols. Maples, Nottingham, and Motteram, Birmingham. Fiat, Dec. 11. Pet. Crs. William Wright, tobacconist, and Henry Millward, tallow-chandler, both of Nottingham.

THORLEY James, of Abingdon-street, Northampton, in the county of Northampton, glass and chinaman, *d. c.*—Official assignee, Groom.—Sols. Smith & Taylor, Basinghall-street. Fiat, Dec. 7. Pet. Cr. Joseph Green, of Etna Glass Works, Birmingham.

WATSON Leonard, of Rickmansworth, in the county of Hertford, smith and ironmonger, *d. c.*—Official assignee, Belcher.—Sol. Walters, Basinghall-street. Fiat, Dec. 13. Pet. Crs. Thomas Constable and Daniel Green, of King William-street, ironmongers.

WORTH William Alfred, of the Cock and Crown public-house, Hampstead, in the county of Middlesex, victualler.—Official assignee, Turquand.—Sol. Pyke, Lincoln's Inn-fields. Fiat, Dec. 12. Pet. Crs. Charles Allen Young and Anthony Fortgerald Bainbridge, of Wandsworth, brewers.

CERTIFICATES to be allowed January 7.

Bowen William, of Merthyr Tidvil, grocer.
 Eldridge Thomas, of Upper North-place, Gray's Inn-road, and Great Queen-street, coach-builder.
 Ford Harris, of Manchester, linen-draper.
 Jones John, of Liverpool, merchant.
 Marsden Richard, of Halifax, woollen-cloth manufacturer.
 Morton Thomas Mylam, of Bishops-gate-street Within, eating-house keeper.
 O'Beirne Bernard, of Bath, wine-merchant.

*DIVIDENDS.**Date of Fiat.*

1844, BATTYE John, of No. 8, Courtney-terrace, King's-land, Middlesex, linen-draper; div.
 1844, BAYLEY Charles Blandy, of Abingdon, Berkshire, draper; final div.
 1844, BEARUP William, of Newcastle-upon-Tyne, joiner and builder; final div.
 1844, BIRD John, of No. 11, St. John's-square, Clerkenwell, Middlesex, watch-manufacturer; div.
 1844, BLAKE Nathan, of No. 75, Edgware-road, Middlesex, linen-draper and haberdasher; final div.
 1844, BUTTON Daniel, of No. 2, Albion-place, Battle-bridge, St. Mary, Islington, Middlesex, pawnbroker; final div.
 1842, FRASER Thomas, of No. 59, Brook-street, Bond-street, Middlesex, Italian warehouseman; div.
 1842, GREEN George Joseph, of Birmingham, Warwickshire, glass manufacturer; final div.
 1843, HAY Alexander, of Great Queen-street, Lincoln's Inn-fields, Middlesex, coach-maker; final div.
 1844, HETHERINGTON Robert, of Ellen Grove, in Cross Canonby, Cumberland, tanner; final div.
 1840, ISAAC Isaac, of Hammond-place, Chatham, Kent, army-clothier and outfitter; final div.
 1844, KELSON William Golightly, of Canterbury, Kent, builder; div.
 1841, MARSHALL John, of Birchin-lane, London, merchant; div.
 1842, MILES Henry, of Southampton, woollen-draper and trader; final div.
 1843, NEWTON George, of Seaham Harbour, Durham, hosier and potter; div.
 1844, NOEL George, and William Noel, of No. 56, Jermyn-street, St. James's, Westminster, boot and shoe makers; joint div.
 1842, RICHARDS John, of No. 12, George-yard, Lombard-street, London, metal-broker; div.
 1842, ROWELL Thomas, now or late of Bridge-street, Cambridge, linen-draper; div.
 1844, THOMPSON Matthew, of Saffron Walden, Essex, iron-monger; div.
 1844, WALKER Edward, of Newman-street, Oxford-street, Middlesex, auctioneer, upholsterer, and cabinet maker; div.
 1844, WHITE John Charles, and George Horwood White, of Milsom-street, Bath, Somersetshire, music-sellers, trading under the firm of G. H. White and J. C. White; joint div.
 1844, YUILL William, of No. 74, Cornhill, London, tailor; div.

*Gazette, Friday, December 20.**BANKRUPTS.**BANKRUPTCY SUPERSEDED.*

HIGGINBOTTOM Samuel, of Dukinfield, side of Stalybridge, shop-keeper.

TOWN AND COUNTRY FIATS.

BERLEY John Peart, of No. 26, Brompton-row, Brompton, in the parish of Kensington, in the county of Middlesex, plumber and glazier, *d. c.*—Official assignee, Whitmore.—Sols. Buchanan & Grainger, Basinghall-street. Fiat, Dec. 12. Bankrupt's own petition.

FOOTHEAD Henry Hugh, of No. 14, Fore-street, Cripplegate, in the city of London, wholesale milliner, *d. c.*—Official assignee, Graham.—Sol. Wilkins, Furnival's Inn. Fiat, Dec. 18. Bankrupt's own petition.

HODGSON Thomas, of Manchester, in the county of Lancashire, calico-printer, *d. c.*—Official assignee, Hobson.—Sols. Allen, Charlotte-street, Bedford-square, and Messrs. Bennett, Manchester. Fiat, Dec. 14. Pet. Cr. Thomas Edgley, of Manchester, merchant.

KING Samuel, of Newgate-street, in the city of London, warehouseman.—Official assignee, Graham.—Sols. Messrs. Linklater, Leadenhall-street. Fiat, Dec. 17. Pet. Cr. J. P. Bull, of St. Martin's-lane, woollen-warehouseman, and William Turquand and George Smith, assignees of Watson and Byers.

MOUTRIE James, of the city of Bristol, music-seller and dealer in musical instruments, *d. c.*—Official assignee, Green.—Sol. Theobald, Furnival's Inn. Fiat, Dec. 11. Pet. Crs. Frederick William Colard and Frederick William Collard, of Chesapeake, pianoforte manufacturers.

OLDHAM James, of Wood-street, in the city of London, silk warehouseman, *d. c.*—Official assignee, Follett.—Reed & Shaw, Friday-street. Fiat, Dec. 17. Pet. Cr. Benjamin Lyddall, of Manchester, silk-manufacturer.

SHERATON George, of Hartlepool, in the county of Durham, corn-merchant.—Official assignee, Baker.—Sols. Holden, Hall, and Wilson & Turnbull, Hartlepool. Fiat, Dec. 7. Pet. Cr. Henry Smith Bright, John Taylor, and William Clifford, of Hull, corn-merchants.

WATKINS Hugh Daniel, and James Innes, of Manchester, in the county of Lancaster, lead-merchants and copartners, *d. c.*—Official assignee, Stanway.—Sols. Sale & Worthington, Manchester, and Reed & Shaw, Friday-street. Fiat, Dec. 6. Bankrupt's own petition.

CERTIFICATES to be allowed January 10.

Craufurd Edmund Thomas, of Boulogne sur Mer, and Piccadilly, wine-merchants, (partners with Francis Kirkham Fowell).
 Edwards Edward, of City-road, draper.
 Fell Betty, of Sharples, bleacher.
 Gibbons Henry, of Wolverhampton, chemist.
 Gibson Thomas, of Dalton, coal-merchant.
 Goldsbury Edmund, of Hastings, draper.
 James Charles, of Grand Junction-terrace, Edgware-road, oil and Italian warehouseman.
 Johnson John, of Liverpool, merchant.
 Pellissier Adele, of Bentinck-terrace, Regent's-park, lodging-house keeper.
 Rossiter George, of Bridgewater, jeweller.
 Snelling James, of Blackman-street, eating-house keeper.
 Sweetland Mary, of John-street, Fitzroy-square, baker.
 Yuill William, of Cornhill, tailor.

*DIVIDENDS.**Date of Fiat.*

1843, BOURNE James, of Bemmersley, in Norton in the Marsh, Staffordshire, printer; div.
 1844, CHAPMAN Richard, of Scorton, Yorkshire, innkeeper; first and final div.
 1844, HERON James, of South Blyth, Northumberland, ship-owner and ship-broker; div.
 1844, HERON Edward, of South Blyth, Northumberland, ship-owner and butcher; div.
 1844, HERON Edward, of Hartlepool, Durham, butcher and ship-owner; div.
 1843, MEGAREY Thomas, of Love-lane, London, coal-merchant; div.
 1842, SENIOR William Morgan, of No. 29, St. Swithin's-lane, London, hardwareman, carrying on business under the firm of W. M. Senior & Co.; div.
 1844, SMITH John, of Stoke-upon-Trent, Staffordshire, corn-dresser and currier; div.
 1840, WILSON Thomas Winsmore, of Barnsley, Yorkshire, lace-manufacturer and yarn-merchant, trading under the firm of Mawer & Wilson; final div.

Gazette, Tuesday, December 24.

BANKRUPTS.**BANKRUPTCIES SUPERSEDED.****CRAVEN** Joseph, John Hardman, and George Craven, of Wakefield, dyers.**HUMBLE** John, of Ossett, manufacturing chemist.**TOWN AND COUNTRY FIATS.****BIRLEY** John Peart, of No. 26, Brompton-row, Brompton, in the parish of Kensington, in the county of Middlesex, plumber and glazier, *d. c.*—Official assignee, Whitmore.—Sols. Buchanan & Grainger, Basinghall-street.**BRETNALL** Elijah, of Elizabeth Cottage, Cold Harbour-road, North Brixton, in the county of Surrey, builder, *d. c.*—Official assignee, Pennell.—Sol. Jenkinson, Cannon-street. Fiat, Dec. 20. Bankrupt's own petition.**BURDETT** John Peach, now or late of Uttoxeter, in the county of Stafford, and lately carrying on business there as a grocer.—Official assignee, Bittleston.—Sols. Welby & Co. Uttoxeter, and James, Birmingham. Fiat, Dec. 19. Pet. Crs. James Steains, Thomas Rowley, Thomas Davies, and John Philip Steains, of Liverpool, merchants, and Thomas Blaydon and George Goodwin Blaydon, of Uttoxeter, mercers and drapers.**CHRISTIE** John, and James Rogers, of Notting-hill, in the county of Middlesex, stone-masons.—Official assignee, Alsager.—Sols. Richardson & Co. Golden-square. Fiat, Dec. 14. Pet. Cr. Thomas Johnson, of Little Chelsea, corn-dealer.**GRAHAM** Michael, late of Middlesbrough, in the county of York, ship-owner, but now of Darlington, in the county of Durham, attorney-at-law, *d. c.*—Official assignee, Hope.—Sols. Messrs. Rushworth, Staple Inn, and Sanderson, Leeds. Fiat, Dec. 20. Bankrupt's own petition.**HARLEY** Joseph, of Wolverhampton, in the county of Stafford, plumber, glazier, and painter, *d. c.*—Official assignee, Whitmore.—Sols. Harrison & Smith, Birmingham, and Clarke, Wolverhampton. Fiat, Dec. 18. Bankrupt's own petition.**HAWKE** Nicholas Trevenen, of Penzance, in the county of Cornwall, tea-dealer, grocer, *d. c.*—Official assignee, Hirtzel.—Sols. Hill & Matthews, St. Mary Axe, and Terrell, Exeter. Fiat, Dec. 11. Pet. Crs. Joseph Stubbs, Edward Abalom, and William Aylwin Stubbs, of Rood-lane, wholesale grocers.**HIGGINS** Henry, of Leeds, in the county of York, merchant, *d. c.*—Official assignee, Freeman.—Sols. Atkinson & Co. Leeds, Blackburn, Leeds, and Hawkins & Co. Boswell-court.**PRESTON** William, of No. 4, Monmouth-road, Westbourne-grove, Bayswater, in the county of Middlesex, builder, *d. c.*—Official assignee, Groom.—Sol. Hooker, Bartlett's-buildings. Fiat, Dec. 12. Pet. Crs. William Heron, Daniel Rutter, and Charles Rutter, of Uxbridge, brick-makers.**WALLER** Henry May, of Foulsham, in the county of Norfolk, merchant and tailor.—Official assignee, Edwards.—Sols. Flower, Bread-street, and Taylor & Son, Norwich.—Fiat, Dec. 12. Pet. Cr. Timothy Steward, of Heigham, Norwich, one of the public officers of the East of England Bank.**WOOD** John Walker, of Churton-street, Vauxhall-bridge-road, in the county of Middlesex, formerly of Mount Sorrel, in the parish of Barrow, and county of Leicester, wine-merchant and quarryman.—Official assignee, Turquand.—Sols. Mottram, Birmingham, and Parkes & Co. Bedford-row. Fiat, Dec. 19. Bankrupt's own petition.**CERTIFICATES to be allowed January 14.****Alderson** Isaac, of Halifax, worsted-spinner.**Armfield** William, of Northampton, draper.**Bibby** James, of Liverpool, coach-proprietor.**Collier** William, of Cambridge, grocer.**Davies** Daniel, and Henry Davies, of Asylum-road, road-constructors.**Goudie** John, of Liverpool, merchant.**Metcalf** John, of Macclesfield, silk-manufacturer.

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Minter William, of Colchester, builder.
Sanders Jeremiah, of Reach, carpenter.
Smith James, of Southampton-street, newspaper publisher.
Wanostrocht Nicholas, of Blackheath, boarding-house keeper.
West Frederick Henry, of High-street, Shoreditch, victualler.**DIVIDENDS.**

Date of Fiat.

1841, **BATES** John, of Worship-street, Finsbury-square, Middlesex, coach-maker; final div.1841, **BOWSER** John, of No. 102, Milton-street, Dorset-square, Middlesex, and of Preston Lodge, Lark Hall-lane, Clapham, Surrey, timber and mahogany merchant; final div.1834, **BOYCE** Samuel Clinch, of Walbrook, London, oil and colour merchant; final div.1843, **BUCHANAN** Charles Benn, and William Cunningham, both of Liverpool, Lancashire, merchants, carrying on business there under the firm of Charles Benn, Buchanan & Co., and lately at New York, in the United States of America, under the firm of Cunningham & Buchanan, and also at present carrying on business at Montreal, in Canada, in British North America, with John Glass, under the firm of Buchanan, Cunningham & Glass; div.1844, **COLLIER** William, of St. Andrew-street, Cambridge, grocer and general shopkeeper; div.1844, **COALL** William John Jackman, of Queen-street, Exeter, grocer; div.1825, **EDMEADS** Robert, Thomas Atkins, and George Tyrrell, of Maidstone, Kent, bankers; final div.1844, **GOOD** Edward Mark, of Rye-lane, Peckham, and of Goose-green, Dulwich, both in Surrey, farmer and cowkeeper; div.1843, **GOODENOUGH** Robert, of Newton Abbott, Devonshire, woollen-draper; fur. div.1843, **HART** Dudley, of Trinity-street, Cambridge, perfumer and hair-dresser; div.1843, **HIGGINBOTTOM** Joseph, of Ashton-unde-Lyne, money-scrivener and solicitor; div.1844, **JAMES** Charles, of No. 95, Grand Junction-terrace, Edgeware-road, Paddington, Middlesex, oilman and Italian ware-houseman; div.1842, **JOLLEY** James, now or late of St. Alban's-place, Haymarket, and of Pelham-road, Brompton, Middlesex, builder, plumber, painter, and glazier; final div.1841, **LOCK** James, of Northampton, tea-dealer and draper; final div.1841, **MITCHELL** Rowland, of Lime-street, London, merchant; div.1842, **O'NEILL** Charles, late of Newman-street, Oxford-street, Middlesex, picture-dealer, Robert Salkeld, late of Fontmell Magna, Dorsetshire, clerk, and George Somerville Digby, late of Bishops Caundle, Dorsetshire, esq., who lately carried on business together at the Brinda Works, near Margam, Glamorganshire, as ship-owners and iron-founders; joint div., and sep. div. of Salkeld.1844, **PEATEN** John, of Paddington-street, St. Marylebone, Middlesex, ironmonger; div.1844, **PETTIGREW** Robert, the younger, of Mulgrave-place, Woolwich, Kent, tailor; div.1844, **PIGGOTT** James, the younger, of Richmond, Surrey, cabinet-maker and upholsterer; div.1844, **PLEDGE** John, of Vauxhall-street, St. Mary, Lambeth, Surrey, bricklayer, carpenter and builder; final div.1844, **QUY** John, of Marks Hall, White Roothing, Essex, dealer in cattle; div.1841, **ROBINSON** Thomas, of No. 102, Leadenhall-street, London, tallow-merchant, trading under the firm of Thomas Robinson & Son; div.1841, **VARDY** Matthew Wilks, of Newbury, Berkshire, bookseller; div.

Gazette, Friday, December 27.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

CRAVEN Joseph, and John Hardman, of Wakefield, dyers.

TOWN AND COUNTRY FIATS.

KING Joseph Raymond, of the city of Bath, druggist.—Official assignee, Acraman.—Sol. Mansford, Bath. Fiat, Dec. 23. Pet. Crs. Henry Francis Home and Henry Hodge, of Blackman-street, druggists.

SEED Anne, of Liverpool, in the county of Lancaster, licensed victualler.—Official assignee, Cazenove.—Sols. Wilkin, Furnival's Inn, and Wardle, Liverpool. Fiat, Dec. 16. Bankrupt's own petition.

STRANGE Charles, of the parish of Baglan, near the town of Neath, in the county of Glamorgan, gentleman, and Robert Parsons, now of Swansea, in the said county, but heretofore also of the said parish of Baglan, gentleman, and which said Charles Strange and Robert Parsons heretofore carried on business in the said parish of Baglan, in partnership as merchants, coal-proprietors, and general dealers in flour and other goods.—Official assignee, Hutton.—Sols. Weymouth & Co. Angel-court. Fiat, Dec. 17. Pet. Crs. Thomas Strange, of Houndsditch, wholesale grocer, and Samuel Strange, of Baglan, near the town of Neath, gentleman.

THEMANS Levi Israel, of No. 4, Sidney-place, Commercial-road, in the county of Middlesex, tea-dealer.—Official assignee, Alsager.—Sol. Bevan, Old Jewry. Fiat, Dec. 21. Pet. Crs. Edmund Rand Cook and William Spavin, of Old Jewry, merchants.

WATSON Christopher, the younger, of Church-street, in Darlington, in the county palatine of Durham, tea-dealer, *d. c.*—Official assignee, Wakley.—Sols. Messrs. Hamilton, Leeds, and Richardson & Glover, Leeds. Fiat, Dec. 12. Pet. Cr. William Christopher Buck, of Leeds, tea-dealer.

CERTIFICATES to be allowed January 17.

Bailey William, jun., of Whitecross-street, currier, (partner with William Bailey, sen.)

Bright Benjamin, of Wigmore-street, victualler and silversmith.

Martin William, of Woodchester, clothier.

DIVIDENDS.**Date of Fiat.**

1844, **ALEXANDER** George, of Beaminster, Dorsetshire, inn-keeper; div.

1841, **BATSON** William Smith, John Wilson, and John Langhorn, of Berwick-upon-Tweed, bankers; joint div., and sep. div. of Langhorne.

1843, **CHAMBERLAIN** William, of Peckham, Surrey, linen-draper; div.

1842, **CUTTELL** Joshua, of Holmfirth, Yorkshire, clothier and cloth manufacturer; final div.

1843, **DICKSON** Thomas, of Thirsk, Yorkshire, linen and woollen draper; div.

1831, **DOBSON** Timothy, the elder, John Dobson, and Timothy Dobson, the younger, of Kidderminster, and of No. 8, City-road, Middlesex, carpet-manufacturers, trading under the firm of Timothy Dobson & Son; final div.

1844, **DRAKE** Henry, of Barnstaple, Devonshire, attorney-at-law and money-scrivener; div.

1844, **FLETCHER** William, of Cinderhill, in Sedgley, Staffordshire, maltster and retail brewer; final div.

1844, **GOSS** John, of Devonport, Devonshire, draper; div.

1844, **HARRIS** John Window, of Wolverhampton, Staffordshire, wine and spirit merchant; final div.

1844, **HOLLAND** John, of Buxted, Sussex, draper and grocer; div.

1844, **LARK** John, of Seymour-street, Euston-square, St. Pancras, Middlesex, shoe-maker; div.

1842, **LAYCOCK** James, of Colne, Lancashire, tallow-chandler, grocer and draper; final div.

1844, **MARSH** Thomas, of St. Martin's-hill, Canterbury, miller; div.

Date of Fiat.

1844, **O'BEIRNE** Bernard, of Bath, wine-merchant; div.

1841, **ORCHARD** George Biggs, now or late of Bath, upholster; div.

1837, **POSTAN** Thomas George, of Alderagate-street, London, auctioneer, appraiser and undertaker; final div.

1844, **PURT** George, of No. 78, Upper Thames-street, London, and porter merchant; div.

1844, **ROSSITER** George, of Bridgewater, Somersetshire, jeweller; div.

1844, **ROW** John, of Torrington, Devonshire, chemist and druggist; div.

1843, **TAYLOR** William, of Springhead, in Saddleworth, Yorkshire, wool and oil merchant; first div.

1843, **WOOLLAM** John, of St. Alban's, Hertfordshire, silk-thresher; div.

Gazette, Tuesday, December 31.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

WHITE John Cooper, of Canterbury, draper.

TOWN AND COUNTRY FIATS.

BARTLETT George, of Wellington-street, Goswell-street, Middlesex, manufacturers of plaster and cement ornaments, *d. c.*—Official assignee, Johnson.—Sol. Oriol, Alfred-place, Bedford-square. Fiat, Dec. 30. Bankrupt's own petition.

BURFORD Thomas William, of Brydges-street, Covent-garden, in the county of Middlesex, victualler.—Official assignee, Edwards.—Sol. Henderson, Mansell-street. Fiat, Dec. 20. Pet. Crs. John Nicholson, William Nicholson, Richard Payne Nicholson, and Richard Nicholson, of St. John-street, Clerkenwell, distillers.

DUDLEY Frederick, of Rochford, in the county of Essex, builder, *d. c.*—Official assignee, Green.—Sols. Turner & Henman, Basing-lane. Fiat, Dec. 27. Pet. Crs. Joseph Boulcott and Charles Caiman, of Limehouse, timber-merchants.

ELDRIDGE Ralph, of Bletchingly, in the county of Surrey, inn-keeper.—Official assignee, Johnson.—Sols. Russell & Mackenzie, High-street, Southwark. Fiat, Dec. 19. Pet. Cr. Mary Selma, of Bletchingly, Surrey, butcher.

FINDLAY Emily Sarah Ann, of No. 4, Grafton-street, Finsbury-square, in the county of Middlesex, (trading under the name of Madame de Souza,) milliner and dress-maker, lodging-house keeper, *d. c.*—Official assignee, Groom.—Sol. Roberts, Spring-gardens. Fiat, Dec. 26. Bankrupt's own petition.

GOULD William Ellis, of Finsbury-place South, in the city of London, carver and gilder, *d. c.*—Official assignee, Belcher.—Sols. Venning & Co. Tokenhouse-yard. Fiat, Dec. 28. Bankrupt's own petition.

TAYLOR John, of No. 14, Market-street, May-fair, in the county of Middlesex, carpenter and upholsterer.—Official assignee, Graham.—Sols. Messrs. Kirk, Symond's Inn. Fiat, Dec. 22. Bankrupt's own petition.

CERTIFICATES to be allowed January 21.

Andrew Thomas Bentley, of Ashton-under-Lyne, tea-dealer.

Dyson John, of Sheffield, scythe-manufacturer.

Franklin Benjamin Wolfe, of Liverpool, merchant.

Smith Leny Deighton, Henry Smith, and George Frederick Smith, of Dulverton and Gutter-lane, crape-manufacturers.

Winning George, of Dover-street, upholsterer.

DIVIDENDS.**Date of Fiat.**

1838, **AARONS** Elliot Lewis, of St. James's-place, Aldgate, London, oil-merchant; div.

1843, **ARMFIELD** Richard, of King-street, Cheap-side, button-manufacturer; div.

1843, **BARRY** Frederick, of Rye, Sussex, miller and corn-factor; final div.

Date of Fiat.

- 1843, **BOURJOT** Charles, and William Espivent de la Vellesboisnet, otherwise William Espivent, both now or late of No. 4, Coleman-street-buildings, London, merchants, carrying on the trade or business of West India and general merchants together, at No. 4, Coleman-street-buildings, under the firm of Charles Bourjot & Co.; final sep. div. of William Espivent.
- 1843, **DAVIS** James Painter, of Bromley, Kent, innkeeper; final div.
- 1843, **EYRE** Thomas, of Gainsborough, Lincolnshire, corn-merchant, spirit-merchant, and coal-merchant; third div.
- 1843, **FENNER** Ludd, and William Fenner, of No. 34, Fenchurch-street, London, merchants; final sep. divs.
- 1844, **GRAHAM** Edward, of No. 21, Dover-street, Piccadilly, Middlesex, singing-master and music-seller; div.
- 1841, **HOSKINS** Francis, of Birmingham, Warwickshire, wine and spirit merchant; div.
- 1844, **JOHNSON** Thomas, the elder, William Johnson, and Charles Mann, of Romford, Essex, bankers; first and final div. of Mann.
- 1844, **LANG** Richard, of Millbridge, in Birstall, Yorkshire, tallow-chandler; first and final div.

Date of Fiat.

- 1835, **LEE** Richard, Richard John Brassey, Fuller Farr, and George Lee, of Lombard-street, London, bankers, carrying on business under the style or firm of Lees, Brassey, Farr & Lee; fur. joint div., and fur. sep. div. of Richard Lee.
- 1844, **METCALF** James, of Liverpool, Lancashire, grocer and provision dealer; first div.
- 1843, **PEARSON** Thomas, of the Liverpool-road, Islington, Middlesex, builder; final div.
- 1843, **READ** William, of King-street, Covent-garden, engraver and printer; final div.
- 1842, **ROBINSON** Caleb, of No. 269, High Holborn, Middlesex, tailor; final div.
- 1834, **STONEBRIDGE** James, now or late of Wivenhoe, Essex, corn and coal merchant and farmer; final div.
- 1838, **TERRY** Charles, of Shoe-lane, London, quill-merchant; final div.
- 1843, **TURMAINE** Edward, of Canterbury, porter and ale merchant; final div.
- 1841, **WARD** Henry, of Stafford, builder; final div.

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